

TITLE SIX. Judicial Administration Rules

DIVISION I. Judicial Council

CHAPTER 1. The Judicial Council and Internal Committees

Drafter's Notes

1999—The rules governing the Judicial Council and its advisory committees were revised to (1) make them easier to read and better organized, (2) eliminate unnecessary detail, (3) conform to the council's governance principles, (4) update rules about membership on the council and council committees, and (5) create new rules on the rule-making process and on council meetings. These rules were moved to new Title Six of the rules of court and renumbered with a new two-part numbering system that will be used for all rules on court administration in the future.

Title Six, Judicial Administration Rules—Division I, Judicial Council—Chapter 1, The Judicial Council and Internal Committees; adopted January 1, 1999.

Rule 6.1. Authority, duties, and goals of the Judicial Council

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Rule 6.3. Nonvoting members

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Rule 6.21. Proposals from members of the public for changes to rules, standards, or forms

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Rule 6.1. Authority, duties, and goals of the Judicial Council

- (a) **[The Judicial Council]** The Judicial Council (“the council”) is a state entity established by the California Constitution and chaired by the Chief Justice of California (“the Chief Justice”). The purpose of the Judicial Council is to set

the direction and provide leadership for improving the quality of justice and advancing its consistent, independent, impartial, and accessible administration on behalf of the public and the court system as a whole.

The council shall establish policies and set priorities for the judicial branch of government. The council may seek advice and recommendations from committees, task forces, and the public.

(b) [Constitutional duties] Article VI, section 6 of the California Constitution requires the council to improve the administration of justice by doing the following:

- (1) Surveying judicial business;
- (2) Making recommendations to the courts;
- (3) Making annual recommendations to the Governor and the Legislature;
- (4) Adopting rules for court administration and rules of practice and procedure that are not inconsistent with statute; and
- (5) Performing other functions prescribed by statute.

(c) [Goals] The council shall develop policies to achieve the following goals:

- (1) The improvement of access, fairness, and diversity in the judicial branch;
- (2) The institutional independence of the judiciary as a separate branch of government with the resources necessary for its support and the independence and impartiality of judicial decision making;
- (3) The modernization and improvement of judicial administration practices;
- (4) Fair and responsive judicial service to the public in all courts; and
- (5) The promotion of the goals of the Judicial Council through judicial branch education and professional development.

(d) [Long-range strategic plan] The council shall adopt and publish a statement of goals and long-term strategies to meet those goals. This publication is referred to as the “Long-Range Strategic Plan.”

- (e) **[The Administrative Office of the Courts]** The Administrative Office of the Courts shall support the council in performing its functions. The Administrative Director is the Secretary of the Judicial Council.

Rule 6.1 adopted effective January 1, 1999.

Rule 6.2. Judicial Council membership and terms

- (a) **[Constitutional provision on membership and terms]** Article VI, section 6 of the California Constitution specifies the membership and terms of the council as follows:

The Judicial Council consists of the Chief Justice and one other judge of the Supreme Court, 3 judges of courts of appeal, 5 judges of superior courts, 5 judges of municipal courts, 2 nonvoting court administrators, and such other nonvoting members as determined by the voting membership of the council, each appointed by the Chief Justice for 3-year terms; 4 members of the State Bar appointed by its governing body for 3-year terms; and one member of each house of the Legislature appointed as provided by the house. Vacancies in the memberships on the Judicial Council otherwise designated for municipal court judges shall be filled by judges of the superior court in the case of appointments made when fewer than 10 counties have municipal courts.

Council membership terminates if a member ceases to hold the position that qualified the member for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.

- (b) **[Chair]** The Chief Justice of California is the Chair of the Judicial Council. A reference to the Chair of the Judicial Council in the statutes or rules of this state means the Chief Justice of California. The Chair may designate a vice-chair to act in the Chair's absence.
- (c) **[Role of members]** Council members do not represent a specific constituency but shall act in the best interests of the public and the entire court system.
- (d) **[Terms]** Council members are appointed to terms beginning September 15 and ending September 14. Terms for judge members are staggered. To the extent feasible, the State Bar and the Legislature should create staggered terms for their appointees.
- (e) **[Restrictions on advisory committee membership]** Unless the Chief Justice waives this provision, neither council members nor nonvoting advisory council

members may concurrently serve on a council advisory committee. This provision does not apply to the following advisory committees:

- (1) Administrative Presiding Justices; and
- (2) Court Executives.

Rule 6.2 adopted effective January 1, 1999.

Rule 6.3. Nonvoting members

- (a) **[Appointment]** The Chief Justice appoints nonvoting advisory council members as specified in article VI, section 6 of the California Constitution or as approved by the Judicial Council.
- (b) **[Voting]** A nonvoting council member may make or second motions at a council meeting but may not vote. A nonvoting member may vote on an internal committee matter as specified in rule 6.10(d).

Rule 6.3 adopted effective January 1, 1999.

Rule 6.4. Nominations and appointments to the Judicial Council

- (a) **[Nomination procedures]** The Executive and Planning Committee shall assist the Chief Justice in selecting council members by submitting a list of nominees for each position. The committee shall use the following procedures:
 - (1) The committee publicizes vacancies and solicits nominations. Nominations for advisory member positions are solicited from the Court Executives Advisory Committee, the Appellate Court Clerk Association, the California Court Commissioners Association, and other related bodies. The selected nominees should represent diverse backgrounds, experiences, and geographic locations.
 - (2) The committee submits a list of at least three nominees to the Chief Justice for each vacant position, except for the Supreme Court associate justice position. The committee gives added consideration to persons who have served on advisory committees or task forces.
 - (3) If the Chief Justice is a member of the Executive and Planning Committee, the Chief Justice does not participate in discussions relating to nominations.

- (b) **[Appointing order]** The Chief Justice makes appointments to the council by order.

Rule 6.4 adopted effective January 1, 1999.

Rule 6.5. Notice and agenda of council meetings

- (a) **[Generally]** The Judicial Council shall meet at the call of the Chief Justice no fewer than four times a year.
- (b) **[Meeting schedule]** The Administrative Office of the Courts shall publish a regular annual schedule that states the planned date, purpose, and location of each meeting. Additional meetings may be scheduled as necessary.
- (c) **[Notice of business meetings]** “Business meetings” are council meetings at which a majority of voting members are present to discuss and decide matters within the council’s jurisdiction. The Administrative Office of the Courts shall give public notice of the date, location, and agenda of each business meeting at least seven days before the meeting. The notice shall state whether the meeting is open or closed. If the meeting is partly closed, the notice shall indicate which agenda items are closed. A meeting may be conducted without notice in case of an emergency requiring prompt action.
- (d) **[Form of notice]** The notice and agenda for council meetings are posted at the Administrative Office of the Courts and on the council’s Web site (www.courtinfo.ca.gov).
- (e) **[Contents of agenda]** The agenda shall contain a brief description of each item to be considered at the council meeting. All items are classified as discussion items, consent items, or informational items.
- (1) *(Consent items deemed approved)* All consent items are deemed approved without further action at the adjournment of each council meeting.
- (2) *(Moving consent items to discussion agenda)* A consent item shall be moved to the discussion agenda if a council member so requests by giving 48 hours’ advance notice to the Executive and Planning Committee, or if the Chief Justice moves the item to the discussion agenda.
- (f) **[Meeting materials]** Meeting materials shall be distributed to council members at least three business days before the date of the meeting, except in extraordinary circumstances. The Administrative Director may make copies of

materials available to the media or attendees in advance of a business meeting and may specify that the materials are provided upon agreement by the recipient that they will be kept confidential until the council has discussed or acted upon specified items. The council may charge a fee to cover the costs of replicating and mailing these materials to members of the public.

- (g) **[Circulating orders]** Between business meetings, the council may act by circulating order on urgent matters if the Chief Justice or the Administrative Director approves. Prior public notice of a proposed circulating order is not required. Each circulating order adopted by the council shall be included on the agenda for the next business meeting as an information item.

Rule 6.5 adopted effective January 1, 1999.

Rule 6.6. Judicial Council meetings

- (a) **[Open meeting policy]** Business meetings are open to the public unless they are closed under subdivision (b) of this rule. Other meetings, such as orientation, planning, and educational meetings, may be made open to the public at the discretion of the Chief Justice. The Chief Justice may seek a recommendation from the Executive and Planning Committee on whether all or part of any meeting should be open or closed.
- (b) **[Closed sessions]** The Chief Justice may close all or part of a business meeting because of the nature of the meeting or of matters to be discussed. The following matters will ordinarily be discussed in closed session:
 - (1) A personnel matter or a discussion of the character, competence, or physical or mental health of an individual;
 - (2) Claims or litigation in which the Judicial Council has an interest;
 - (3) Contract, labor, or legislative negotiations;
 - (4) The purchase, sale, or lease of real property;
 - (5) Security plans or procedures;
 - (6) Allegations of criminal or professional misconduct; and
 - (7) Discussions protected by the attorney-client privilege.

- (c) **[Conduct at meeting]** Members of the public who attend open meetings shall remain orderly. The Chief Justice may order the removal of any disorderly persons.
- (d) **[Requests to speak]** The Executive and Planning Committee, in its discretion, may allow a member of the public to speak at a business meeting. Unless the Chief Justice waives this requirement, any member of the public who wishes to speak at a business meeting shall submit a request of no more than two pages to the chair of the Executive and Planning Committee by delivering it to the Administrative Office of the Courts at least four business days before the meeting.
- (1) (*Contents of the request*) The request shall include the following:
- (A) A description of the agenda item to be addressed;
 - (B) A specific recitation of the proposed statement with an explanation of its relevance to the agenda item and the reasons it would be of benefit to the council in its deliberations;
 - (C) The name, residence, and occupation of the person asking to speak and, if applicable, the name, address, and purpose of the agency or organization that the speaker represents;
 - (D) If available, telephone and fax numbers and e-mail address of the person asking to speak and, if applicable and available, telephone and fax numbers of the agency or organization that the speaker represents;
 - (E) The words “Request to Speak at Judicial Council Meeting” displayed prominently in letters at least one-quarter-inch high on the envelope containing the request; and
 - (F) A copy of any written materials the speaker proposes to distribute at the meeting.
- (2) (*Notice of decision*) The Executive and Planning Committee shall respond to the request at least two business days before the meeting. The committee may grant the request in part or whole, request additional information, circulate any written materials, or take other action it deems appropriate.

- (e) **[Video recording, photographing, and broadcasting at meeting]** The Chief Justice may permit video recording, photographing, or broadcasting of a meeting. Any such video recording, photographing, or broadcasting is subject to regulations that ensure the meeting's security and dignity. A request to record, photograph, or broadcast a council meeting must be received by the Chief Justice at least two business days before the meeting.
- (f) **[Minutes as official records]** The Secretary of the Judicial Council shall prepare written minutes of each council meeting for approval at the next council meeting. When approved by the council, the minutes constitute the official record of the meeting.

Rule 6.6 adopted effective January 1, 1999.

Rule 6.10. Judicial Council internal committees

- (a) **[Membership and appointment]** The Chief Justice appoints each council member and advisory member to one or more internal committees for a one-year term.
- (b) **[Committee chairs]** The Chief Justice may chair any internal committee or may appoint a committee member as chair or vice-chair.
- (c) **[Meetings]** Each internal committee meets as often as necessary to perform its responsibilities. The Administrative Director of the Courts may attend and participate in the meetings of each internal committee. Internal committee meetings are closed to the public but may be opened at the committee chair's discretion.
- (d) **[Voting]** An advisory council member may vote on any internal committee matter unless the committee is taking final action on behalf of the council.
- (e) **[Council review]** The council may overrule or modify an action taken by an internal committee.
- (f) **[Reporting to the council]** As often as necessary, each internal committee shall report to the council on the committee's activities.

Rule 6.10 adopted effective January 1, 1999.

Rule 6.11. Executive and Planning Committee

(a) **[Coordinating council meetings]** The Executive and Planning Committee coordinates the annual schedule and establishes agendas for council meetings. The committee determines:

- (1) Whether each item submitted should be placed in the council's agenda and is presented in a form that gives the council the information it needs to make a well-informed decision; and
- (2) Whether each item should be on the consent, discussion, or information agenda; how much time is to be allotted for discussion; what presenters should be invited to speak; and, when appropriate, which specific issues should be discussed.

(Subd (a) amended effective January 1, 2002.)

(b) **[Internal operating procedures]** The committee develops and administers the internal operating procedures of the council.

(Subd (b) amended effective January 1, 2002.)

(c) **[Nominations]** The committee coordinates nominations for the Chief Justice's appointments to the council, the advisory committees, and task forces.

(Subd (c) amended effective January 1, 2002.)

(d) **[Actions on behalf of the council]** Between council meetings the committee may take action on behalf of the council except for:

- (1) Adopting rules of court, standards of judicial administration, or council forms;
- (2) Making statutory appointments; and
- (3) Taking actions that are delegated to other internal committees.

(e) **[Planning]** The committee oversees the development and implementation of the council's long-range strategic plan by:

- (1) Recommending responses to forces and trends that are likely to affect the judiciary's operations and resources;

- (2) Planning and conducting the council's annual strategic planning meeting and related efforts; and
- (3) Collaborating with the Administrative Director of the Courts and the Judicial Branch Budget Advisory Committee regarding proposed judicial branch budgets, proposed allocation schedules, and related budgetary issues.

(Subd (e) amended effective January 1, 2002.)

- (f) **[Budget]** The committee must ensure that proposed judicial branch budgets and related budgetary issues are brought to the Judicial Council in a timely manner and in a format that permits the council to establish funding priorities in the context of the council's annual program objectives, statewide policies, and long-range strategic plan. The Administrative Director of the Courts and the Judicial Branch Budget Advisory Committee assist the Executive and Planning Committee in carrying out this function, as directed by the Executive and Planning Committee and as otherwise provided in these rules.

(Subd (f) amended effective January 1, 2002.)

Rule 6.11 amended effective January 1, 2002; adopted effective January 1, 1999.

Drafter's Notes:

2002—These new and amended rules establish a Judicial Branch Budget Advisory Committee, and revise the rules regarding the trial court budget and allocation process to reflect the new processes used by the courts and council in developing and allocating the judicial branch budgets.

Rule 6.12. Policy Coordination and Liaison Committee

- (a) **[Relations with other entities]** The Policy Coordination and Liaison Committee shall act as the council's liaison with other governmental entities, the bar, the media, the judiciary, and the public.
- (b) **[Legislative activities]** With the assistance of the Office of Governmental Affairs, the committee shall perform the following functions regarding proposed legislation:
 - (1) Taking a position on behalf of the council on pending legislative bills, provided that the position is consistent with the council's established policies and precedents;

- (2) Making recommendations to the council on proposals for council-sponsored legislation. The committee annually proposes a legislative agenda to the Judicial Council after evaluating input from advisory committees, staff, and courts; and
 - (3) Representing the council's position before the Legislature and other bodies or agencies.
- (c) **[Coordination]** The committee shall develop an annual plan for communication and interaction with the judiciary, other branches and levels of government, components of the justice system, the bar, the media, and the public.

Rule 6.12 adopted effective January 1, 1999.

Rule 6.13. Rules and Projects Committee

- (a) **[Oversight of advisory committees]** The Rules and Projects Committee shall review the annual work plan of each advisory committee and task force to assess project priorities and timelines and to ensure that it is consistent with the general and any annual charges to that committee or task force and with the council's policies and priorities. The committee's approval of a work plan permits the advisory committee or task force to implement the work plan, subject to available resources.
- (b) **[Recommendations]** The committee shall recommend to the Executive and Planning Committee whether each proposal for new or amended rules, standards, or forms should be on the council's consent or discussion agenda and how much time should be allocated for discussion. It also shall recommend to the council whether such a proposal should be approved and, when appropriate, identify issues for discussion. If the committee recommends against approval, it shall state the reasons for doing so.
- (c) **[Rules, standards, and forms]** The committee shall establish and maintain a rule-making process that is understandable and accessible to the public. It shall assist the council in making informed decisions about rules of court administration, practice, and procedure by:
- (1) Identifying the need for new rules, standards, and forms;

- (2) Reviewing proposals for rules, standards, and forms and circulating them for public comment in accordance with the committee's procedures and guidelines;
- (3) Establishing and publishing procedures that solicit and consider relevant input from the public for the proposal and adoption of rules, standards, and forms;
- (4) Providing guidelines for the style and format of rules and ensuring that each proposal presented to the council is consistent with the guidelines;
- (5) Ensuring that proposals for new or amended rules, standards, and forms do not conflict with statutes or other rules;
- (6) Recommending whether the council should approve, modify, or reject each proposal; and
- (7) Initiating circulating orders to allow the council to adopt rules, standards, and forms between council meetings if necessary.

Rule 6.13 adopted effective January 1, 1999.

Rule 6.14. Litigation Management Committee

- (a) **[Litigation oversight]** The Litigation Management Committee must oversee litigation and claims against trial court judges, appellate court justices, the Judicial Council, the Administrative Office of the Courts, the trial and appellate courts, and the employees of those bodies that seek recovery of \$50,000 or more or raise important policy issues by:

- (1) Reviewing and approving any proposed settlement, stipulated judgment, or offer of judgment; and
- (2) Consulting with the Administrative Director or General Counsel, upon request, regarding important strategy issues.

(Subd (a) amended effective January 1, 2003.)

- (b) **[Recommendations]** The committee must make recommendations to the Judicial Council for policies governing the management of litigation involving the courts.

- (c) **[Strategic decisions]** Upon presentation by the Office of the General Counsel of the written objection described in rule 6.202 (d), the committee must resolve the objection.

(Subd (c) adopted effective January 1, 2003.)

Rule 6.14 amended effective January 1, 2003; adopted effective January 1, 2001.

Drafter's Notes

2001—Rules 6.14 and 6.800 (The Judicial Council's Litigation Management Committee and Trial Court Litigation Management). Recently enacted Senate Bill 1533 requires the Judicial Council to provide representation, defense, and indemnification of judges, subordinate judicial officers, and employees of the trial courts. The bill also requires the Administrative Office of the Courts to manage actions, proceedings, and claims that involve the trial courts, judicial officers, executive officers, and employees. New rule 6.14 describes the role and responsibilities of the Litigation Management Committee, and new rule 6.800 describes the role and responsibilities of the AOC and the trial courts.

Rule 6.20. Proposals for new or amended rules, standards, or forms; rule-making process in general

- (a) **[Council meetings to consider proposals]** The Judicial Council meets twice a year, generally in April and October, to consider proposals for the adoption, amendment, or repeal of California Rules of Court, California Standards of Judicial Administration, and Judicial Council forms.
- (b) **[Proposals]** The council will consider proposals that are submitted to it by an internal committee, an advisory committee, or a task force, or by the Administrative Office of the Courts, in accordance with rule 6.22 and any policies and procedures established by the Rules and Projects Committee.

(Subd (b) repealed and adopted effective January 1, 2002.)

- (c) **[Statewide uniformity]** The council will establish uniform statewide practices and procedures where appropriate to achieve equal access to justice throughout California.

(Subd (c) relettered effective January 1, 2002; adopted as subd (g) effective January 1, 1999.)

Rule 6.20 amended effective January 1, 2002; adopted effective January 1, 1999.

Drafter's Notes:

2002—The new and amended rules (6.20, 6.21, and 6.22) clarify how proposals are submitted and recommendations made to the council for rule and form changes, and allows for exceptions to the normal process under compelling circumstances.

Rule 6.21. Proposals from members of the public for changes to rules, standards, or forms

- (a) **[Application]** This rule applies to proposals for changes to rules, standards, or forms by a member of the public (any person or organization other than a Judicial Council internal committee, advisory committee, or task force, or the Administrative Office of the Courts).
- (b) **[Submission and content of proposals]** Proposals must be submitted in writing to: Judicial Council of California, Attention: General Counsel. Proposals should include:
 - (1) The text of the proposed rule, standard, form, or amendment;
 - (2) A description of the problem to be addressed;
 - (3) The proposed solution and alternative solutions;
 - (4) Any likely implementation problems;
 - (5) Any need for urgent consideration;
 - (6) Known proponents and opponents;
 - (7) Any known fiscal impact; and
 - (8) If known, any previous action by the council or an advisory committee on the proposal.
- (c) **[Advisory committee's review of proposal]** The General Counsel must refer each proposal from a member of the public to an appropriate advisory committee for consideration and recommendation, or, if no appropriate advisory committee exists, to the Rules and Projects Committee. An Administrative Office of the Courts staff member may independently review the proposal and present an analysis and a recommendation to the committee. The committee may take one of the following actions:

- (1) Accept the proposal, either as submitted or modified, and proceed under rule 6.22;
- (2) Request further information or analysis; or
- (3) Reject the proposal.

Rule 6.21 adopted effective January 1, 2002.

Drafter's Notes:

2002—See note following rule 6.20.

Rule 6.22. Rule-making procedures

- (a) **[Who may make proposals]** A Judicial Council internal committee, advisory committee, or task force, or the Administrative Office of the Courts may recommend that the council adopt, amend, or repeal a rule or standard or adopt, approve, revise, or revoke a form.
- (b) **[Legal and advisory committee review]** The internal committee, advisory committee, task force, or Administrative Office of the Courts (“the proponent”) must first submit its proposal to the Office of the General Counsel for legal and drafting review. If the proponent is not an advisory committee, and an appropriate advisory committee exists, the proponent must also submit the proposal to that advisory committee for review.
- (c) **[Recommendation to Rules and Projects Committee]** After the proposal has been reviewed by the Office of the General Counsel and any appropriate advisory committee, the proponent must submit the proposal to the Rules and Projects Committee with a recommendation that it be (1) circulated for public comment or (2) submitted to the council for approval without public comment.
- (d) **[Review by Rules and Projects Committee]** The Rules and Projects Committee must review the recommendation and may take one of the following actions:
 - (1) Circulate the proposal for public comment;

- (2) If the proposal presents a nonsubstantive technical change or correction or a minor substantive change that is unlikely to create controversy, recommend that the council adopt it without circulating it for comment;
 - (3) Postpone circulation for comment and either (A) request further information or analysis by the proponent or (B) refer the matter to another council internal or advisory committee, the full council, or the Chief Justice; or
 - (4) Reject the proposal if it is contrary to statute, conflicts with other rules or standards, or is contrary to established council policy.
- (e) **[Review of comments]** After a proposal is circulated, the proponent must review the comments and decide whether to reject the proposal or to recommend that the council adopt it, with or without modifications.
- (f) **[Submission to council]** If, after reviewing the comments, the proponent recommends that the council adopt the proposal, the matter will be placed on the council's agenda. The Rules and Projects Committee must review the recommendation and submit its own recommendation to the council. The council may adopt, modify, or reject the proposal.
- (g) **[Compelling circumstances]** The procedures established in this rule must be followed unless the Rules and Projects Committee finds that compelling circumstances necessitate a different procedure. The committee's finding and a summary of the procedure used must be presented to the council with any recommendation to the council made under this subdivision.

Rule 6.22 adopted effective January 1, 2002.

Drafter's Notes:

2002—See note following rule 6.20.

CHAPTER 2. Judicial Council Advisory Committees and Task Forces

Title Six, Judicial Administration Rules—Division I, Judicial Council—Chapter 2, Judicial Council Advisory Committees and Task Forces; adopted January 1, 1999.

Rule 6.30. Judicial Council advisory committees

Rule 6.31. Advisory committee membership and terms

Rule 6.32. Nominations and appointments to advisory committees

Rule 6.33. Advisory committee meetings
Rule 6.34. Duties and responsibilities of advisory committees
Rule 6.40. Appellate Advisory Committee
Rule 6.41. Civil and Small Claims Advisory Committee
Rule 6.42. Criminal Law Advisory Committee
Rule 6.43. Family and Juvenile Law Advisory Committee
Rule 6.44. Probate and Mental Health Advisory Committee
Rule 6.45. Judicial Branch Budget Advisory Committee
Rule 6.46. Trial Court Presiding Judges Advisory Committee
Rule 6.48. Court Executives Advisory Committee
Rule 6.49. Conference of Court Executives
Rule 6.50. Governing Committee of the Center for Judicial Education and Research
Rule 6.51. Court Interpreters Advisory Panel
Rule 6.52. Administrative Presiding Justices Advisory Committee
Rule 6.53. Court Technology Advisory Committee
Rule 6.54. Traffic Advisory Committee
Rule 6.55. Access and Fairness Advisory Committee
Rule 6.56. Collaborative Justice Courts Advisory Committee
Rule 6.57. Judicial Service Advisory Committee
Rule 6.70. Task forces

Rule 6.30. Judicial Council advisory committees

- (a) **[Creation]** In addition to the advisory committees established by the rules in this division, the Chief Justice may create additional advisory committees by order.
- (b) **[Functions]** Working under the council's direction, advisory committees shall assist the council by using their collective experience, opinions, and wisdom to provide advice, options, and recommendations to the council on topics affecting the administration of justice.
- (c) **[Committee charges]** Each committee's general charge is set forth in the rules in this division. The council may give an annual charge to every advisory committee that specifies the work product the council expects during the year. The advisory committee may pursue matters in addition to those specified in its annual charge, as long as the matters are consistent with the committee's general charge and the committee operates within the limits of the resources available to the committee and within any other limitations specified by the council or the Administrative Director of the Courts.

- (d) **[Staff]** Advisory committees are assisted by the staff of the Administrative Office of the Courts. The duties of staff members include coordinating committee activities, providing legal and policy analysis to the committee, organizing and drafting reports, selecting and supervising consultants, providing technical assistance, and presenting the committee's recommendations to the Judicial Council. Staff may provide independent legal or policy analysis of issues that is different from the committee's position.
- (e) **[Subcommittees]** An advisory committee may form subcommittees, composed entirely of committee members, to carry out the committee's duties, subject to available resources.
- (f) **[Preference for using advisory committees]** Unless substantial reasons dictate otherwise, new projects requiring committee involvement shall be assigned to existing advisory committees.

Rule 6.30 adopted effective January 1, 1999.

Rule 6.31. Advisory committee membership and terms

- (a) **[Membership]** The membership of each committee is specified in the rules in this chapter. Advisory committee members do not represent a specific constituency but shall act in the best interests of the public and the entire court system.
- (b) **[Terms]** The Chief Justice appoints advisory committee members for three-year terms unless another term is specified in these rules. Terms are staggered so that an approximately equal number of each committee's members changes annually.
- (c) **[Chair and vice-chair]** The Chief Justice appoints an advisory committee member to be a committee chair or vice-chair for a one-year term. This subdivision does not apply to the Court Executives Advisory Committee, which may choose its own chair and vice-chair.

(Subd (c) amended effective September 1, 2000.)

- (d) **[Advisory members]** Upon the request of the advisory committee, the Chief Justice may designate an advisory member to assist an advisory committee or a subcommittee. Advisory members may participate in discussions and make or second motions but cannot vote.

- (e) **[Termination of membership]** Committee membership terminates if a member leaves the position that qualified the member for the advisory committee unless the Chief Justice determines that the individual may complete the current term.
- (f) **[Vacancies]** Vacancies shall be filled as they occur according to the nomination procedures described in rule 6.32.
- (g) **[Retired judges]** A judge's retirement does not cause a vacancy on the committee if the judge is eligible for assignment. A retired judge who is eligible for assignment may hold a committee position based on his or her last judicial position.

Rule 6.31 amended effective September 1, 2000; adopted effective January 1, 1999.

Rule 6.32. Nominations and appointments to advisory committees

- (a) **[Nomination procedures]** The Executive and Planning Committee shall assist the Chief Justice in selecting advisory committee members by submitting a list of nominees for each position. Unless otherwise specified in the rule applicable to a particular advisory committee, the nomination procedures are as follows:
 - (1) The Executive and Planning Committee shall publicize vacancies and solicit nominations. If any group is designated to submit nominations for a position, the Executive and Planning Committee will request that the group submit at least three nominations for each advisory committee vacancy.
 - (2) The Executive and Planning Committee shall submit at least three nominees for each advisory committee vacancy to the Chief Justice. The nominees should represent diverse backgrounds and experiences as well as geographic locations throughout California.
- (b) **[Court executive or administrator members]** A court executive or administrator member may be a county clerk, a court administrator, or an executive officer if the member also serves as the clerk of the court.
- (c) **[Judicial administrator member]** A judicial administrator member may be any person experienced in court administration and is not required to be currently employed by a court.

- (d) **[Judicial officer]** A judicial officer member may be a judge of the municipal or superior court or a court commissioner or referee.
- (e) **[Appointing order]** The Chief Justice shall appoint advisory committee members by order.

Rule 6.32 adopted effective January 1, 1999.

Rule 6.33. Advisory committee meetings

Each advisory committee shall meet as often as its chair deems necessary, within available resources. Meetings may be in person or by teleconference. One of the meetings is an orientation meeting to plan the committee's work for the coming year.

Rule 6.33 adopted effective January 1, 1999.

Rule 6.34. Duties and responsibilities of advisory committees

- (a) **[In general]** Advisory committees shall make recommendations and offer options to the Judicial Council for improving the administration of justice within their designated areas of focus by doing the following:
 - (1) Identifying issues and concerns affecting court administration and recommending appropriate solutions to the council;
 - (2) Proposing necessary changes to rules, standards, and forms on the following schedule:
 - (A) As needed for selected provisions in response to legislative and case law changes as well as to proposals from committee members and others; and
 - (B) At least every 10 years for all provisions within the committee's area of focus;
 - (3) Reviewing and recommending legislation to the council;
 - (4) Recommending to the council pilot projects to evaluate new procedures or practices;

- (5) Acting on assignments referred by the council or the Rules and Projects Committee; and
 - (6) Making other appropriate recommendations to the council.
- (b) **[Work plan]** Each committee prepares an annual work plan that is reviewed by the Rules and Projects Committee. This subdivision does not apply to the Governing Committee of the Center for Judicial Education and Research, the Judicial Branch Budget Advisory Committee, or the Administrative Presiding Justices Advisory Committee.

(Subd (b) amended effective January 1, 2002.)

- (c) **[Contents of work plan]** Work plans shall contain the following items:
- (1) A prioritized list and description of all current committee projects and activities and estimated dates of completion;
 - (2) A schedule for reviewing pending legislation and for drafting rules, standards, and forms in response to newly enacted statutes;
 - (3) A list of existing rules, standards, and forms that the committee will review and recommend for amendment, reorganization, or repeal;
 - (4) Proposals for new projects that the committee wishes to undertake; and
 - (5) Estimated cost and staff needed to complete each project or activity.
- (d) **[Scope]** An advisory committee may pursue matters in addition to those specified by the council in its annual charge as long as the matters are consistent with the advisory committee's general charge, its approved work plan, and the council's long-range strategic plan. The additional matters must also be within the committee's authorized budget and available resources, as specified by the council or the Administrative Director of the Courts.
- (e) **[Reporting to Rules and Projects Committee]** Each advisory committee shall periodically report to the Rules and Projects Committee on its continuing work and shall provide analysis of issues and make recommendations as requested by the Rules and Projects Committee.
- (f) **[Review of need for advisory committees]** Every five years each advisory committee shall report in writing to the Rules and Projects Committee about

whether the advisory committee should continue to exist and whether it should maintain its current structure. The Rules and Projects Committee shall make a recommendation to the council.

Rule 6.34 amended effective January 1, 2002; adopted effective January 1, 1999.

Drafter's Notes:

2002—See note following rule 6.11.

Rule 6.40. Appellate Advisory Committee

- (a) **[Area of focus]** The Appellate Advisory Committee shall make recommendations to the council for improving the administration of justice in appellate proceedings.

(Subd (a) amended effective January 1, 2002.)

- (b) **[Additional duty]** In addition to the duties described in rule 6.34, the committee shall make proposals on training for justices and appellate support staff to the Governing Committee of the Center for Judicial Education and Research.

(Subd (b) amended effective January 1, 2002.)

- (c) **[Membership]** The committee shall include at least one member from each of the following categories:

- (1) Supreme Court justice;
- (2) Court of Appeal justice;
- (3) Trial court judicial officer with experience in the appellate division;
- (4) Supreme Court clerk administrator;
- (5) Appellate court administrator;
- (6) Trial court judicial administrator;
- (7) Civil appellate lawyer;
- (8) Criminal defense appellate lawyer;
- (9) State Public Defender; and
- (10) Appellate lawyer of the Attorney General's Office

(Subd (c) amended effective January 1, 2002.)

Rule 6.40 amended effective January 1, 2002; adopted effective January 1, 1999.

Drafter's Notes:

2002—The membership categories have been amended to include the State Public Defender, historically an important member of the committee. The rule also clarifies that the committee member from the Attorney General's Office must be an appellate attorney.

Rule 6.41. Civil and Small Claims Advisory Committee

- (a) **[Area of focus]** The Civil and Small Claims Advisory Committee shall make recommendations to the council for improving the administration of justice in civil and small claims proceedings.
- (b) **[Membership]** The committee shall include at least one member from each of the following categories:
 - (1) Appellate court justice;
 - (2) Trial court judicial officer;
 - (3) Judicial administrator;
 - (4) Lawyer whose primary area of practice is civil law;
 - (5) Legal secretary; and
 - (6) Person knowledgeable about small claims law and procedure.

Rule 6.41 adopted effective January 1, 1999.

Rule 6.42. Criminal Law Advisory Committee

- (a) **[Area of focus]** The Criminal Law Advisory Committee shall make recommendations to the council for improving the administration of justice in criminal proceedings.
- (b) **[Membership]** The committee shall include at least one member from each of the following categories:
 - (1) Appellate court justice;
 - (2) Trial court judicial officer;

- (3) Judicial administrator;
- (4) Prosecutor; and
- (5) Criminal defense lawyer.

Rule 6.42 adopted effective January 1, 1999.

Rule 6.43. Family and Juvenile Law Advisory Committee

- (a) **[Area of focus]** The Family and Juvenile Law Advisory Committee shall make recommendations to the council for improving the administration of justice in all cases involving marriage, family, or children.
- (b) **[Membership]** The committee shall include at least one member from each of the following categories:
 - (1) Appellate court justice;
 - (2) Trial court judicial officer;
 - (3) Judicial administrator;
 - (4) Child custody mediator;
 - (5) Lawyer whose primary practice area is family law;
 - (6) Lawyer from a public or private defender's office whose primary practice area is juvenile law;
 - (7) Chief probation officer;
 - (8) Child welfare director;
 - (9) Court-Appointed Special Advocate (CASA) director;
 - (10) County counsel assigned to juvenile dependency cases;
 - (11) Domestic violence prevention advocate;
 - (12) District attorney assigned to juvenile delinquency cases;

(13) District attorney assigned to child support cases; and

(14) Public-interest children's rights lawyer.

Rule 6.43 adopted effective January 1, 1999.

Rule 6.44. Probate and Mental Health Advisory Committee

(a) **[Area of focus]** The committee shall make recommendations to the council for improving the administration of justice in proceedings involving

(1) Decedents' estates, trusts, conservatorships, guardianships, and other probate matters; and

(2) Mental health and developmental disabilities issues.

(b) **[Additional duty]** The committee shall coordinate activities and work with the Family and Juvenile Law Advisory Committee in areas of common concern and interest.

(c) **[Membership]** The committee shall include at least one member from each of the following categories:

(1) Judicial officer with experience in probate;

(2) Lawyer whose primary practice involves decedents' estates, trusts, guardianships, conservatorships, or elder abuse law;

(3) Lawyer, examiner, or probate investigator who works for the court on probate or mental health matters;

(4) Person knowledgeable in mental health or developmental disabilities or private management of probate matters; and

(5) County counsel, public guardian, or other similar public officer familiar with guardianship and conservatorship issues.

Rule 6.44 adopted effective July 1, 2000.

Drafter's Notes

July 2000—New rule 6.44 creates the Probate and Mental Health Advisory Committee and establishes its area of focus and its membership.

Rule 6.45. Judicial Branch Budget Advisory Committee

- (a) **[Area of focus]** The Judicial Branch Budget Advisory Committee advises the Judicial Council and the Administrative Director of the Courts on the preparation and development of, advocacy for, and implementation of the budget for the judicial branch and the relation of the budget to the strategic plan. The committee is not involved in budget management but provides high-level tactical and process advice. For purposes of this rule, the budget of the judicial branch consists of the budgets for the Supreme Court, the Courts of Appeal, the superior courts, the Judicial Council, and the Administrative Office of the Courts. For purposes of this rule, the budget of the judicial branch does not include the budgets of the Commission on Judicial Performance and the Habeas Corpus Resource Center.
- (b) **[Membership]** The committee consists of no more than nine members appointed as follows:
- (1) One or two appellate court justices;
 - (2) Three superior court judges, at least one of whom is from a court with fewer than 20 judges and two of whom are either present or recent presiding judges or judges with knowledge of, and experience and interest in public finance;
 - (3) One appellate court clerk/administrator, who should not be from the same district as any of the appellate court justices;
 - (4) Three superior court executives none of whom should be from the same court as any of the superior court judges.
- (c) **[Membership recommendations]** In addition to the procedure provided by rule 6.32, the following groups may make recommendations to the Executive and Planning Committee concerning membership:
- (1) The Administrative Presiding Justices Advisory Committee for the appellate court justices and the appellate court clerk/administrator;
 - (2) The Trial Court Presiding Judges Advisory Committee for the superior court judges; and
 - (3) The Conference of Court Executives for the superior court executives.

(d) [Duties and responsibilities] The committee provides advice and advocacy to ensure that the judicial branch budget as developed and adopted is consistent with Judicial Council goals. In carrying out this duty, the committee must:

- (1) Provide recommendations to the Judicial Council on budget priorities to guide the development of the budget for the fiscal year presently being developed. The committee considers all relevant factors including:
 - (A) Recommendations from other advisory committees on budget priorities;
 - (B) Recommendations from the trial and appellate courts;
 - (C) The fiscal condition of the state;
 - (D) Other factors and trends affecting the judicial system and the state; and
 - (E) The progress of the courts and other judicial branch agencies in meeting the goals established by the Judicial Council.
- (2) Make recommendations, as appropriate, on budget policies and procedures to the Judicial Council and the Administrative Office of the Courts.
- (3) Work with the Judicial Council and the Administrative Director of the Courts in advocating for the budget through the executive and legislative processes.
- (4) Further participate in the budget development process, as directed by the Administrative Director of the Courts.

Rule 6.45 repealed and adopted effective January 1, 2002.

Drafter's Notes:

2002—See note following rule 6.11.

Rule 6.46. Trial Court Presiding Judges Advisory Committee

- (a) [Area of focus]** The Trial Court Presiding Judges Advisory Committee contributes to the statewide administration of justice by monitoring areas of

significance to the justice system and making recommendations to the Judicial Council on policy issues affecting the trial courts.

(Subd (a) amended effective April 18, 2003; previously amended effective September 1, 2000.)

(b) [Additional duties] In addition to the duties specified in rule 6.34, the committee may:

- (1) Recommend methods and policies within its area of focus to improve trial court presiding judges' access to and participation in council decisionmaking, increase communication between the council and the trial courts, and provide for training programs for judicial and court support staff;
- (2) Respond and provide input to the Judicial Council, appropriate advisory committees, or the Administrative Office of the Courts on pending policy proposals and offer new recommendations on policy initiatives in the areas of legislation, rules, forms, standards, studies, and recommendations concerning court administration; and
- (3) Provide for liaison between the trial courts and the Judicial Council, its advisory committees, task forces, and working groups, and the Administrative Office of the Courts.

(Subd (b) amended effective April 18, 2003; previously amended effective September 1, 2000.)

(c) [Membership] The committee consists of the presiding judge of each county.

(Subd (c) amended effective April 18, 2003; previously amended effective September 1, 2000.)

(d) [Executive Committee] The advisory committee may establish an Executive Committee that, in addition to other powers provided by the advisory committee, may act on behalf of the full advisory committee between its meetings.

(Subd (d) amended effective April 18, 2003; adopted effective September 1, 2000.)

(e) [Subcommittee membership] The committee has standing subcommittees on rules and legislation. The chair may create other subcommittees as he or she

deems appropriate. The chair must strive for representation of courts of all sizes on subcommittees.

(Subd (e) repealed and adopted effective April 18, 2003.)

- (f) [Chair]** Following its last scheduled committee meeting of the year, the advisory committee must annually submit to the Chief Justice three nominations for the chair of the advisory committee. The Chief Justice will select a chair from among the names suggested. The chair of the advisory committee serves as chair of any Executive Committee established under subdivision (d) and as an advisory member of the Judicial Council.

(Subd (f) amended effective April 18, 2003; adopted as subd (d) effective January 1, 1999; previously relettered and amended effective September 1, 2000.)

(Subd (g) repealed effective April 18, 2003; adopted effective September 1, 2000.)

(Subd (h) repealed effective April 18, 2003; adopted effective September 1, 2000.)

(Subd (i) repealed effective April 18, 2003; adopted as subd (e) effective January 1, 1999; previously relettered and amended effective September 1, 2000.)

(Subd (j) repealed effective April 18, 2003; adopted effective September 1, 2000.)

Rule 6.46 amended effective April 18, 2003; adopted effective January 1, 1999; previously amended effective September 1, 2000.

Drafter's Notes

1999—New rule 6.46, effective January 1, 1999, includes membership changes made necessary by court unification and specifies the appointment of presiding judges based upon court size, geographic location, expertise, diversity, and experience. The new rule also allows the committee to convene meetings of all presiding judges for the purposes of participating in educational programs, exchanging information, and providing input to the committee. Previous rule 1027 is repealed.

2000—Rule 6.46 was amended to expand the duties of the committee and increase its membership to include all trial court presiding judges; create an Executive Committee and specify its election process and duties; establish subcommittees in the areas of legislation and rules, and define their respective roles; describe the appointment process of the chair; make provision for the chair to serve as a nonvoting, advisory member of the Judicial Council; and authorize assistant presiding judges to act as proxy on behalf of presiding judges.

Rule 6.48. Court Executives Advisory Committee

- (a) **[Area of focus]** The committee shall make recommendations to the council on policy issues affecting the trial courts.
- (b) **[Additional duties]** In addition to the duties specified in rule 6.34, the committee shall:
 - (1) Recommend methods and policies to improve trial court administrators' access to and participation in council decision making;
 - (2) Review and comment on rules, forms, standards, studies, and recommendations concerning court administration proposed to the council;
 - (3) Review and make proposals concerning the Judicial Branch Statistical Information System or other large-scope data collection efforts;
 - (4) Suggest methods and policies to increase communication between the council and the trial courts; and
 - (5) Serve as the Executive Committee for the Conference of Court Executives, as described in rule 6.49.
- (c) **[Consultation with Conference of Court Executives]** To assist it in formulating proposals and recommendations to the council, the committee may seek the advice of the Conference of Court Executives.
- (d) **[Membership]** The committee shall consist of the following members:
 - (1) Up to 22 court administrators or executive officers; and
 - (2) One appellate court clerk or administrator selected from three nominations made by the Appellate Court Clerks Association.
- (e) **[Nominations]** The Conference of Court Executives shall submit to the Executive and Planning Committee of the Judicial Council a list of three nominees for each vacancy on the committee. The list of nominees shall enable the Chief Justice to appoint a committee that reflects a variety of experience, expertise, and court sizes and types (e.g., urban, suburban, and rural as well as small, medium, and large), and that is geographically balanced. Membership on

this committee shall not preclude appointment to any other advisory committee or task force.

- (f) **[Chair and vice-chair]** The committee may elect its chair and vice-chair.

Rule 6.48 adopted effective January 1, 1999.

Rule 6.49. Conference of Court Executives

- (a) **[Function]** The functions of the Conference of Court Executives are to:

- (1) Increase the opportunities for court executive officers to participate in the Judicial Council decision-making process; and
- (2) Provide a forum for the education of court executives.

- (b) **[Duties]** The Conference of Court Executives shall:

- (1) Provide information and advice, when requested, to the Court Executives Advisory Committee; and
- (2) Conduct educational sessions for its members on matters related to court management, such as legislation, training, information management, judicial branch policy issues, professional development, best practices, and current issues facing the trial courts.

- (c) **[Membership]** All court executive officers are principal members of the Conference of Court Executives. Chief deputies (or their equivalents) are associate members of the Conference of Court Executives. Each principal member is entitled to one vote. Associate members may fully participate in conference meetings but may not vote or make or second motions. However, a court executive who is unable to participate in a meeting may designate his or her deputy to vote in his or her place.

- (d) **[Chair and vice-chair]** The chair and vice-chair of the conference are the chair and vice-chair of the Court Executives Advisory Committee.

- (e) **[Executive Committee]** The Conference's Executive Committee is the Court Executives Advisory Committee. The Executive Committee shall:

- (1) Establish the schedule and agenda for meetings; and

- (2) As necessary, appoint subcommittees consisting of principal and associate members of the Conference.
- (f) **[Nominations subcommittee]** The chair shall appoint a Nominations Subcommittee to submit to the Executive and Planning Committee of the Judicial Council nominations for members of the committee, the advisory members of the Judicial Council who are court executives, and members of other advisory committees who are court executives or judicial administrators.
- (g) **[Meetings]** The conference shall meet at least three times a year. One meeting shall be held at the annual California Judicial Administration Conference and one shall be held after the conclusion of the regular legislative session.

Rule 6.49 adopted effective January 1, 1999.

Rule 6.50. Governing Committee of the Center for Judicial Education and Research

- (a) **[Establishment and purpose]** In 1973, the Judicial Council of California and the California Judges Association created the Center for Judicial Education and Research (CJER), which subsequently became the Education Division of the Administrative Office of the Courts. The Governing Committee of CJER was made an advisory committee to the council in 1993 through the adoption of former rule 1029. In 2001, the rule that sets forth the CJER Governing Committee's duties was made consistent with the rules pertaining to other Judicial Council advisory committees, but it continues to acknowledge the historic participation of the California Judges Association.

(Subd (a) adopted effective December 18, 2001.)

- (b) **[Area of focus]** The committee makes recommendations to the council for improving the administration of justice through comprehensive and quality education and training for judicial officers and other judicial branch personnel.

(Subd (b) relettered and amended effective December 18, 2001; adopted as subd (a) effective January 1, 1999.)

- (c) **[Additional duties]** In addition to the duties described in rule 6.34, the committee must:
 - (1) Recommend rules, standards, policies, and procedures for judicial branch education;

- (2) Recommend a strategic long-range plan for judicial branch education;
- (3) Evaluate the effectiveness of judicial branch education, the quality of participation, the efficiency of delivery, and the impact on service to the public;
- (4) Review and comment on proposals from other advisory committees and task forces that include education and training of judicial officers or court staff in order to ensure coordination, consistency, and collaboration in educational services;
- (5) Establish educational priorities for implementation of curricula, programs, publications, and delivery systems;
- (6) Identify the need for and appoint education committees to implement the priorities, long-range plan, and programs and products of judicial branch education; create and adopt procedures for their operation; and review and approve their projects and products;
- (7) Identify and foster collaborative opportunities with courts to promote and assure the availability of training at the local court level;
- (8) Identify, analyze, and implement systems to enhance the delivery of education and training statewide; and
- (9) Identify and foster collaborative opportunities with internal and external partners to maximize the resources dedicated to education and training.

(Subd (c) relettered and amended effective December 18, 2001; adopted as subd (b) effective January 1, 1999.)

(d) [Membership] The committee consists of at least the following members:

- (1) Eight sitting judicial officers, including at least one appellate court justice;
- (2) Three judicial administrators;
- (3) The Administrative Director of the Courts as an advisory member;
- (4) The president of the California Judges Association or his or her designee as an advisory member; and

- (5) Other advisory members as the Chief Justice may appoint.

(Subd (d) relettered and amended effective December 18, 2001; adopted as subd (c) effective January 1, 1999.)

- (e) **[Nominations]** Nominations for vacant positions on the governing committee will be solicited under the procedures described in rule 6.32. The president of the California Judges Association may submit nominations to the Executive and Planning Committee.

(Subd (e) amended effective December 18, 2001.)

- (f) **[Chair and vice-chair]** The Chief Justice appoints the chair and vice-chair. The committee may make recommendations to the Chief Justice for these two positions.

(Subd (f) amended effective December 18, 2001.)

Rule 6.50 amended effective December 18, 2001; adopted effective January 1, 1999.

Rule 6.51. Court Interpreters Advisory Panel

- (a) **[Area of focus]** To assist the council in performing its duties under the court interpreter legislation (Gov. Code, §§ 68560–68566), the advisory panel shall make recommendations to the council for implementing a comprehensive program to improve interpreting services in the courts.
- (b) **[Additional duties]** In addition to the duties described in rule 6.34, the advisory panel shall:
- (1) Propose new or amended rules, standards, and forms that provide for interpreter recruiting, training, testing, certification and certification renewal, continuing education, administration, and performance evaluation; and
 - (2) Study language and interpreter use and need in court proceedings and, no later than July 1, 2000, and every five years after that, submit to the council, for approval, a report on those studies to the Governor and the Legislature.

(c) **[Membership]** A majority of the members shall be court interpreters. The advisory panel shall include at least one member from each of the following categories:

- (1) Trial court judicial officer;
- (2) Lawyer;
- (3) Judicial administrator; and
- (4) Court interpreter.

(Subd (c) amended effective July 1, 1999.)

Rule 6.51 amended effective July 1, 1999; adopted effective January 1, 1999.

Drafters' Notes

1999—These technical amendments conform rule 6.51 to current statutory changes

Rule 6.52. Administrative Presiding Justices Advisory Committee

- (a) **[Area of focus]** The committee shall make recommendations to the council on policy issues affecting the administration and operation of the Courts of Appeal.
- (b) **[Additional duties]** In addition to the duties described in rule 6.34, the committee shall:
 - (1) Establish administrative policies that promote the quality of justice by advancing the efficient functioning of the appellate courts;
 - (2) Advise the council of the appellate courts' resource requirements and solicit the council's support in meeting budget, administrative, and staffing requirements;
 - (3) Make proposals on training for justices and appellate support staff to the Governing Committee of the Center for Judicial Education and Research; and
 - (4) Comment on and make recommendations to the council about appellate court operations, including:

- (A) Initiatives to be pursued by the council or the Administrative Office of the Courts; and
 - (B) The council's goals and strategies.
- (c) **[Membership]** The committee consists of:
 - (1) The Chief Justice as chair; and
 - (2) The administrative presiding justices of the Courts of Appeal designated under rule 75.
- (d) **[Funding]** Each year, the committee shall recommend budget change proposals to be submitted to the Chief Justice for legislative funding to operate the appellate courts. These proposals shall be consistent with the budget management guidelines of the Administrative Office of the Courts Finance Bureau.
- (e) **[Allocations]** The committee shall allocate resources among the appellate courts and approve budget management guidelines based on the actual allocation made by the Chief Justice.
- (f) **[Administrative Director of the Courts]** The Administrative Director shall meet regularly with the committee and shall notify and, when appropriate, consult with the committee about appellate court personnel matters.

Rule 6.52 adopted effective January 1, 1999.

Rule 6.53. Court Technology Advisory Committee

- (a) **[Area of focus]** The committee shall make recommendations to the council for improving the administration of justice through the use of technology and for fostering cooperative endeavors to resolve common technological issues with other stakeholders in the justice system.
- (b) **[Additional duties]** In addition to the duties described in rule 6.34, the committee shall:
 - (1) Recommend standards to ensure compatibility in information and communication technologies in the judicial branch;

- (2) Review and comment on requests for the funding of judicial branch technology projects to ensure compatibility with goals established by the council and standards promulgated by the committee;
 - (3) Review and recommend legislation, rules, or policies to balance the interests of privacy, access, and security in relation to court technology;
 - (4) Make proposals for technology education and training in the judicial branch;
 - (5) Assist courts in acquiring and developing useful technologies;
 - (6) Maintain a long-range plan.
- (c) **[Membership]** The committee shall include at least one member from each of the following categories:
- (1) Appellate justice;
 - (2) Trial court judicial officer;
 - (3) Trial court judicial administrator;
 - (4) Appellate court judicial administrator;
 - (5) Member of the Senate;
 - (6) Member of the Assembly;
 - (7) Representative of the executive branch; and
 - (8) Lawyer.
- (d) **[Member selection]** The two legislative members are appointed by the respective houses. The executive member is appointed by the Governor. The lawyer member is appointed by the State Bar.
- (e) **[Chair]** The Chief Justice appoints a judicial officer or justice member to serve as chair.

Rule 6.53 adopted effective January 1, 1999.

Rule 6.54. Traffic Advisory Committee

- (a) **[Area of focus]** The committee shall make recommendations to the council for improving the administration of justice in the area of traffic procedure, practice, and case management and in other areas as set forth in the fish and game, boating, forestry, public utilities, parks and recreation, and business licensing bail schedules.
- (b) **[Membership]** The committee shall include at least one member from each of the following categories:
 - (1) Trial court judicial officer;
 - (2) Judicial administrator;
 - (3) Juvenile traffic hearing officer;
 - (4) Representative from the California Highway Patrol;
 - (5) Representative from the Department of Motor Vehicles;
 - (6) Representative from the Office of Traffic Safety; and
 - (7) Criminal defense lawyer.

Rule 6.54 adopted effective January 1, 1999.

Rule 6.55. Access and Fairness Advisory Committee

- (a) **[Area of focus]** The committee shall make recommendations for improving access to the judicial system and fairness in the state courts.
- (b) **[Additional duties]** In addition to the duties described in rule 6.34, the committee shall recommend to the Center for Judicial Education and Research proposals for education and training of judicial officers and court staff.
- (c) **[Membership]** The committee shall include at least one member from each of the following categories:
 - (1) Appellate justice;
 - (2) Trial court judicial officer;

- (3) Lawyer with expertise or interest in disability issues;
- (4) Other lawyer;
- (5) Judicial administrator; and
- (6) Public member.

Rule 6.55 adopted effective January 1, 1999.

Rule 6.56. Collaborative Justice Courts Advisory Committee

- (a) **[Area of focus]** The committee shall make recommendations to the Judicial Council on criteria for identifying and evaluating collaborative justice courts and for improving the processing of cases in these courts, which include drug courts, domestic violence courts, youth courts, and other collaborative justice courts. Those recommendations shall include “best practices” guidelines and methods for collecting data to evaluate the long-term effectiveness of collaborative justice courts.
- (b) **[Additional duties]** In addition to the duties described in rule 6.34 on the duties and responsibilities of advisory committees, the committee shall
 - (1) Assess and measure the success and effectiveness of local collaborative justice courts;
 - (2) Identify and disseminate to trial courts locally generated best practices;
 - (3) Recommend minimum judicial education standards and educational activities to support those standards to the Governing Committee of the Center for Judicial Education and Research;
 - (4) Advise the council of potential funding sources;
 - (5) Make recommendations regarding grant funding programs that are administered by the Administrative Office of the Courts for drug courts and other treatment courts; and
 - (6) Recommend appropriate outreach activities needed to support collaborative justice courts.

(c) **[Membership]** The committee shall include the following:

- (1) At least five judicial officers. Nominations for these appointments shall be made in accordance with rule 6.32. The list of nominees shall enable the Chair of the Judicial Council to appoint a committee that reflects a variety of court experience (e.g., criminal, juvenile, family, general civil), expertise, and court sizes and types (e.g., urban, suburban, and rural as well as small, medium, and large).
- (2) At least one member from each of the following categories:
 - (A) Judicial administrator,
 - (B) District attorney,
 - (C) Criminal defense attorney,
 - (D) Law enforcement (police/sheriff),
 - (E) Treatment provider or rehabilitation provider,
 - (F) Probation officer,
 - (G) Court-treatment coordinator,
 - (H) Treatment court graduate, and
 - (I) Public member.

Rule 6.56 amended effective January 1, 2002; adopted effective January 1, 2000.

Drafter's Notes:

2002—The amendment to rule 6.56 of the California Rules of Court removes subdivision (d), which required that the committee report to the council by November 1, 2001, regarding committee structure, charge, progress, and continuance.

Rule 6.57. Judicial Service Advisory Committee

- (a) **[Area of focus]** The Judicial Service Advisory Committee makes recommendations for improving judicial service, retention, and compensation.

- (b) **[Additional duties]** In addition to the duties described in rule 6.34, the committee must identify and evaluate best current national and local practices and develop or recommend necessary training related to the following issues:
- (1) A “cafeteria plan” of benefits; wellness subsidies; professional development allowances; personal leave; and supplemental life, disability, or liability insurance;
 - (2) Health care benefits, including services and programs;
 - (3) Compensation and retirement, including recommendations for 401(k) and other deferred compensation programs and the most appropriate mechanism for setting judicial salaries and
 - (4) Resources and programs for quality of judicial life, particularly those dealing with health, stress, and relationships;
 - (5) Mentorship programs; and
 - (6) Special needs and programs for new and retired judges.
- (c) **[Membership]** The committee consists of at least one member from each of the following categories:
- (1) Appellate court justice;
 - (2) Retired jurist;
 - (3) Superior court judge from a court with 15 or more judges;
 - (4) Superior court judge from a court with 5 to 14 judges;
 - (5) Superior court judge from a court with 4 or fewer judges;
 - (6) Superior court executive officer from a court with 15 or more judges;
 - (7) Superior court executive officer from a court with 14 or fewer judges;
 - (8) Member of the Administrative Presiding Justices Advisory Committee; and
 - (9) Member of the Trial Court Presiding Judges Advisory Committee.

Rule 6.57 adopted effective January 1, 2003.

Rule 6.70. Task forces

The Chief Justice, the Administrative Director of the Courts, or the council may establish task forces to work on specific projects that cannot be addressed by existing advisory committees. The Administrative Office of the Courts maintains a list of current task forces.

Rule 6.70 adopted effective January 1, 1999.

CHAPTER 3. Administrative Office of the Courts

Title Six, Judicial Administration Rules—Division I, Judicial Council—Chapter 3, Administrative Office of the Courts, adopted January 1, 1999.

Rule 6.80. Administrative Director of the Courts

Rule 6.81. Administrative Office of the Courts

Rule 6.90. [Repealed 1999]

Rule 6.80. Administrative Director of the Courts

The Administrative Director of the Courts, appointed by the Judicial Council under article VI, section 6 of the Constitution, shall perform those functions prescribed by the Constitution and laws of the state, or delegated to the director by the Judicial Council or its chair.

Rule 6.80 adopted effective January 1, 1999.

Rule 6.81. Administrative Office of the Courts

- (a) **[Establishment]** The Administrative Director of the Courts, under the supervision of the Chair of the Judicial Council, shall employ, organize, and direct a staff, known as the Administrative Office of the Courts.
- (b) **[Duties]** The Administrative Office of the Courts shall assist the council and its chair in carrying out their duties under the Constitution and laws of the state.

- (c) **[Reporting]** The Administrative Office of the Courts shall annually submit to the Judicial Council a management report that describes its current activities and internal operations.

Rule 6.81 adopted effective January 1, 1999.

Rule 6.90. [Repealed 1999]

Rule 6.90 adopted effective January 1, 1999.

Drafter's Notes

2000—Rule 6.90 is repealed effective October 22, 1999, because it is inconsistent with the governance principles of the Judicial Council.

DIVISION II. Administration of the Judicial Branch

CHAPTER 1. Budget and Fiscal Management

Rule 6.101. Role of the Judicial Council and Administrative Office of the Courts

Rule 6.101. Role of the Judicial Council and Administrative Office of the Courts

- (a) **[Purpose]** The purpose of this rule is to set forth the responsibilities of the Judicial Council and the Administrative Office of the Courts with respect to the judiciary's budget.
- (b) **[Duties of council]** The Judicial Council shall:
- (1) Establish responsible fiscal priorities that best enable the judiciary to achieve its goals;
 - (2) Develop the budget of the judiciary based upon the priorities established and the needs of the courts;
 - (3) Communicate and advocate the budget of the judiciary to the Governor and the Legislature;
 - (4) Allocate funds in a manner that ensures equal access to justice for all citizens of the state, ensures the ability of the courts to carry out their functions effectively, promotes implementation of statewide policies as

established by statute and the Judicial Council, and promotes implementation of efficiencies and cost-saving measures;

- (5) Resolve appeals on budget and allocation issues; and
 - (6) Assure that the budget of the judiciary remains within the limits of the appropriation set by the Legislature.
- (c) **[Duties of Administrative Director]** The Administrative Director of the Courts shall implement the directives of the Judicial Council and shall:
- (1) Develop policies and procedures for the creation and implementation of a yearly budget for the judiciary;
 - (2) Present the judiciary's budget in negotiations with the Governor and the Legislature; and
 - (3) Allocate to the trial courts, on behalf of the Judicial Council, a portion of the baseline budget for the trial courts following approval of the State Budget and before the allocation of state trial court funding by the Judicial Council. The portion of the baseline budget that may be so allocated is limited to the amount estimated to be necessary for the operation of the courts pending action by the Judicial Council, and may not exceed 25 percent of the baseline budget for each trial court. The term "baseline budget" as used in this rule has the same meaning as in rule 6.45(b)(1).

(Subd (c) amended effective January 1, 2001.)

- (d) **[Duties of Chief Financial Officer]** The Chief Financial Officer of the Administrative Office of the Courts, under the direction of the Administrative Director of the Courts, shall administer the budget policies and procedures developed by the Administrative Director of the Courts and approved by the Judicial Council. The Chief Financial Officer shall:
- (1) Develop and administer a budget preparation process for the judiciary, and ensure the submission of a final budget recommendation for the judiciary to the Department of Finance by November 1 of each year;
 - (2) Develop, in consultation with the State Controller's Office and the Department of Finance, a manual of procedures for the budget request process, revenues, expenditures, allocations, and payments;

- (3) Monitor all revenues and expenditures for the judiciary;
- (4) Develop recommendations for fiscal priorities and the allocation and reallocation of funds; and
- (5) Assist all courts and the Administrative Director of the Courts in preparing and managing budgets.

Rule 6.101 amended effective January 1, 2001; renumbered effective January 1, 1999; adopted as rule 2301 effective July 1, 1998.

Drafter's Notes

1998—In response to the Lockyer-Isenberg Trial Court Funding Act of 1997 (AB 233), the council adopted five new rules on court management effective July 1, 1998. These new rules will be incorporated into a new title of the California Rules of Court covering judicial administration (Title Six). In addition, rules 205, 207, and 532.5, regarding the duties of presiding judges and court executives in preparing personnel plans, were amended to conform to the new rules, and section 27 of the Standards of Judicial Administration, regarding trial court personnel plans, was repealed, effective July 1, 1998. Rules 2301, 2530, and 2531 address budget and fiscal management. They specify the responsibilities of the Judicial Council, the Administrative Office of the Courts, and the trial courts in the budget process, and set forth the authority of the courts to distribute and redistribute funds between programs, locations, and functions.

2001—Rule 6.101 authorizes the Administrative Director of the Courts to allocate a portion of the baseline budget for the trial courts on an interim basis, during the period after the state budget has been approved but before the Judicial Council has made final budget allocations.

CHAPTER 2. Court Facilities

Title Six, Judicial Administration Rules—Division II, Administration of the Judicial Branch—Chapter 2, Court Facilities, amended effective July 1, 2003.

Rule 6.150. Court facilities guidelines

Rule 6.151. Judicial sabbatical pilot program

Rule 6.170. Working group on court security

Rule 6.150. Court facilities guidelines

- (a) **[Development of guidelines]** The Administrative Office of the Courts is responsible for developing and maintaining guidelines for the alteration, remodeling, renovation, and expansion of existing court facilities and for the construction of new court facilities.

- (b) **[Adoption by the Judicial Council]** The guidelines developed by the Administrative Office of the Courts must be submitted to the Judicial Council for review and adoption as the guidelines to be used for court facilities in the state. Nonsubstantive changes to the guidelines may be made by the Administrative Office of the Courts; substantive changes must be submitted to the Judicial Council for review and adoption.
- (c) **[Duties of courts]** Courts must use the guidelines adopted under (b) in reviewing proposed alteration, remodeling, renovation, and expansion of existing court facilities or new construction. Deviations from the guidelines must be reported to the Administrative Office of the Courts through a process established for that purpose.

Rule 6.150 adopted effective July 1, 2002.

Drafter's Notes

2002—New rule 6.150 of the California Rules of Court gives the AOC responsibility for developing and maintaining guidelines for the design of court facilities and requires courts to use those guidelines in reviewing proposed alteration, remodeling, renovation, and expansion of existing court facilities or new construction. Deviations from the guidelines must be reported to the Administrative Office of the Courts through a process established for that purpose. The rule replaces section 3 of the California Standards of Judicial Administration.

Rule 6.151. Judicial sabbatical pilot program

- (a) **[Objective]** Sabbatical leave is a privilege available to jurists by statute. The objective of sabbatical leave is to facilitate study, teaching, research, or another activity that will benefit the administration of justice and enhance judges' performance of their duties.
- (b) **[Eligibility]**
 - (1) A judge or justice is eligible to apply for a paid sabbatical under Government Code section 77213 if:
 - (A) He or she has served for at least seven years as a California judicial officer, including service as a subordinate judicial officer;
 - (B) He or she has not taken a sabbatical within seven years of the date of the proposed sabbatical; and

(C) He or she agrees to continue to serve as a judicial officer for at least three years after the sabbatical.

(2) Any judge is eligible to apply for an unpaid sabbatical under Government Code section 68554.

(c) [Application]

(1) An eligible judge may apply for a sabbatical by submitting a sabbatical proposal to the Administrative Director of the Courts with a copy to the presiding judge or justice.

(2) The sabbatical proposal must include:

(A) The judge's certification that he or she meets the eligibility requirements established in (b);

(B) The beginning and ending dates of the proposed sabbatical;

(C) A description of the sabbatical project, including an explanation of how the sabbatical will benefit the administration of justice and the judge's performance of his or her duties;

(D) A statement from the presiding judge or justice of the affected court, indicating approval or disapproval of the sabbatical request and the reasons for such approval or disapproval, forwarded to the Judicial Sabbatical Review Committee with a copy to the judge.

(d) [Judicial Sabbatical Review Committee] A Judicial Sabbatical Review Committee will be appointed to make recommendations to the council regarding sabbatical requests.

(1) (*Membership*) The committee must include at least one member from each of the following groups:

(A) Administrative Presiding Justices Advisory Committee;

(B) Trial Court Presiding Judges Advisory Committee;

(C) Court Executives Advisory Committee;

- (D) Governing Committee of the Center for Judicial Education and Research;
 - (E) Task Force (Advisory Committee) on Judicial Service; and
 - (F) California Judges Association (liaison)
- (2) (*Staffing*) The committee will be staffed by the Human Resources Division of the Administrative Office of the Courts and may elect its chair and vice-chair.

(e) [Evaluation]

- (1) The Administrative Director of the Courts must forward all sabbatical requests that comply with (c) to the Judicial Sabbatical Review Committee.
- (2) The Judicial Sabbatical Review Committee must recommend granting or denying the sabbatical request after it considers the following factors:
 - (A) Whether the sabbatical will benefit the administration of justice in California and the judge's performance of his or her duties; and
 - (B) Whether the sabbatical leave will be detrimental to the affected court.
- (3) The Judicial Sabbatical Review Committee may recommend an unpaid sabbatical if there is insufficient funding for a paid sabbatical.

(f) [Length]

- (1) A paid sabbatical taken under Government Code section 77213 may not exceed 120 calendar days. A judge may be allowed to add unpaid sabbatical time onto the end of a paid sabbatical if the purpose of the unpaid sabbatical is substantially similar to the work of the paid sabbatical.
- (2) An unpaid sabbatical taken under Government Code section 68554 may not exceed one year.

(g) [Ethics and compensation]

A judge on sabbatical leave is subject to the California Code of Judicial Ethics and, while on a paid sabbatical, must not accept compensation for activities performed during that sabbatical leave but may receive reimbursement for the expenses provided in canon 4H(2) of the Code of Judicial Ethics.

(h) [Judge's report]

Upon completion of a sabbatical leave, the judge must report in writing to the Judicial Council on how the leave benefited the administration of justice in California and on its effect on his or her official duties as a judicial officer.

(i) [Retirement and benefits]

- (1) A judge on a paid sabbatical leave under Government Code section 77213 continues to receive all the benefits of office and accrues service credit toward retirement.
- (2) A judge on unpaid sabbatical leave under Government Code section 68554 receives no compensation, and the period of absence does not count as service toward retirement. The leave does not affect the term of office.

(j) [Judicial assignment replacement] Funds must be made available from the Judicial Administration Efficiency and Modernization Fund to allocate additional assigned judges to those courts whose judges' requests for paid sabbaticals are approved.

Rule 6.151 adopted effective January 1, 2003.

Rule 6.170. Working Group on Court Security

- (a) [Purpose]** The Judicial Council hereby establishes the Working Group on Court Security. The purpose of the working group is to consider whether modifications are necessary and appropriate to the template which determines security costs, pursuant to Government Code section 69927(a)(1) ("template review") and to recommend changes to the limit for allowable costs, as set forth in Government Code section 69927(a)(4) ("allowable costs review"). Template review may involve, among other items, that part of the template

affecting law enforcement or security personnel in courtrooms or court detention facilities (“personnel template review”).

(Subd (a) amended effective March 1, 2003; adopted January 1, 2003.)

(b) [Composition]

(1) *Composition for allowable costs review and template review, except personnel template review.* In performing allowable costs review and template review, except personnel template review, the group shall be composed as follows:

- (A) Six representatives from the judicial branch of government, as selected by the Administrative Director of the Courts;
- (B) Two representatives of the counties, as selected by the California State Association of Counties; and
- (C) Three representatives of the county sheriffs, as selected by the California State Sheriffs' Association.

(2) *Composition for personnel template review.* In performing personnel template review, the group shall be composed as follows:

- (A) The six representatives from the judicial branch of government selected by the Administrative Director of the Courts, under subdivision (b)(1)(A);
- (B) The two representatives of the counties selected by the California State Association of Counties, under subdivision (b)(1)(B);
- (C) Two of the three representatives of the county sheriffs selected by the California State Sheriffs' Association under subdivision (b)(1)(C) as determined by that association; and
- (D) Two representatives of labor selected by the California Coalition of Law Enforcement Associations.

(Subd (b) repealed and adopted effective March 1, 2003; adopted effective January 1, 2003.)

(c) [Chair] The Administrative Director of the Courts may designate one of the judicial branch members to be chair of the working group.

(d) [Initial terms]

- (1) The initial terms of the members of the working group are as follows:
 - (A) Four years for two representatives of the judicial branch, one representative of the counties, and one representative of the county sheriffs.
 - (B) Three years for two representatives of the judicial branch, one representative of the counties, and one representative of the county sheriffs.
 - (C) Two years for two representatives of the judicial branch and one representative of the county sheriffs.
 - (2) The appointing authority may designate which members are appointed to two, three, and four year terms.
- (e) [Terms]** After the initial terms of members of the working group as provided in subdivision (c), the terms of members are three years. The appointing authority may fill any vacancy occurring for the remainder of the term.

CHAPTER 3. Management of Claims and Litigation

Title 6, Judicial Administration Rules—Division II, Administration of the Judicial Branch—Chapter 3, Management of Claims and Litigation, adopted effective January 1 2003.

Rule 6.201. Claim and litigation procedure

Rule 6.202. Claims and litigation management

Rule 6.201. Claim and litigation procedure

- (a) [Definitions]** As used in this rule, “judicial branch entity” is as defined in Government Code section 900.3 and “judge” means a judge or justice of a judicial branch entity.
- (b) [Procedure for action on claims]** To carry out the Judicial Council’s responsibility under Government Code section 912.7 to act on a claim, claim amendment, or application for leave to present a late claim against a judicial branch entity or a judge, the Office of the General Counsel of the

Administrative Office of the Courts, under the direction of the Administrative Director of the Courts, must:

- (1) Upon receipt of a claim, claim amendment, or application for leave to present a late claim forwarded by a judicial branch entity, promptly consult with a representative of that entity about the merits of the claim, claim amendment, or application for leave to present a late claim;
 - (2) Grant or deny an application for leave to present a late claim under Government Code section 911.6(b);
 - (3) If determined by the Office of the General Counsel to be appropriate, refer a claim or claim amendment for further investigation to a claims adjuster or other investigator under contract with the Administrative Office of the Courts;
 - (4) Reject a claim if it is not a proper charge against the judicial branch entity or judge;
 - (5) Allow a claim in the amount justly due as determined by the Office of the General Counsel if it is a proper charge against the judicial branch entity and the amount is less than \$50,000; and
 - (6) Make recommendations to the Litigation Management Committee regarding proposed settlements of claims requiring payments of \$50,000 or more.
- (c) **[Allowance and payment of claims]** The following may allow and authorize payment of any claim arising out of the activities of a judicial branch entity or judge:
- (1) The Office of the General Counsel, under the direction of the Administrative Director of the Courts, if the payment is less than \$50,000; or
 - (2) The Litigation Management Committee, for any claim.
- (d) **[Settlement of lawsuits and payment of judgments]** The following may settle lawsuits, after consultation with the affected entity and any judge or employee being defended by the Judicial Council, and authorize payment of judgments arising out of the activities of a judicial branch entity or judge:

- (1) The Office of the General Counsel, under the direction of the Administrative Director of the Courts, if the payment is less than \$50,000 and the lawsuit does not raise important policy issues; or
- (2) The Litigation Management Committee, for any settlement or judgment.

Rule 6.201 adopted effective January 1, 2003.

Rule 6.202. Claims and litigation management

- (a) **[Intent]** The intent of this rule is to (1) ensure that the trial and appellate courts are provided with timely, quality legal assistance, and (2) promote the cost-effective, prompt, and fair resolution of actions, proceedings, and claims that affect the trial and appellate courts and involve justices of the Courts of Appeal or the Supreme Court, trial court judges, subordinate judicial officers, court executive officers or administrators, or employees of the trial and appellate courts.

(Subd (a) amended effective January 1, 2003.)

- (b) **[Duties of Office of the General Counsel]** To carry out the duty of the Judicial Council to provide for the representation, defense, and indemnification of justices of the Courts of Appeal or the Supreme Court, judges, subordinate judicial officers, court executive officers and administrators, and trial and appellate court employees pursuant to Part 1 (commencing with section 810) to Part 7 (commencing with section 995), inclusive, of the Government Code, the Office of the General Counsel of the Administrative Office of the Courts, under the direction of the Administrative Director of the Courts and the General Counsel, must:

- (1) Develop, manage, and administer a litigation management program for investigating and resolving all claims and lawsuits affecting the trial and appellate courts;
- (2) Provide legal assistance to the trial or appellate court, and to any justice, judge, subordinate judicial officer, court executive officer or administrator, and trial or appellate court employee who is named as a defendant or responsible party, subject to the defense and indemnification provisions of Part 1 (commencing with section 810) to Part 7 (commencing with section 995), inclusive, of the Government Code, upon receipt of notice of a claim or lawsuit affecting the trial or appellate court or of a dispute that is likely to result in a claim or lawsuit;

- (3) Select and direct any counsel retained to represent any trial or appellate court, justice, judge, subordinate judicial officer, court executive officer or administrator, and trial or appellate court employee being provided legal representation pursuant to paragraph (b)(2), after consultation with the trial or appellate court and any such individual defendant;
- (4) Make settlement decisions in all claims and lawsuits other than those identified in paragraph (b)(5), after consultation with the affected trial or appellate court, and any justice, judge, subordinate judicial officer, court executive officer or administrator, and trial or appellate court employee being provided legal representation pursuant to paragraph (b)(2);
- (5) Make recommendations to the Judicial Council Litigation Management Committee regarding proposed settlements of claims or lawsuits requiring payments of \$50,000 or more or raising important policy issues;
- (6) Develop and implement risk avoidance programs for the trial and appellate courts;
- (7) Provide an annual report to the Judicial Council Litigation Management Committee concerning the litigation management program; and
- (8) Provide an annual report to each trial and appellate court concerning claims and lawsuits filed against the trial or appellate court.

(Subd (b) amended effective January 1, 2003; previously amended effective July 1, 2002.)

(c) [Duties of trial and appellate courts] The trial and appellate courts must:

- (1) Notify the Administrative Office of the Courts, Office of the General Counsel, promptly upon receipt of notice of a dispute that is likely to result in a claim or lawsuit, or of a claim or lawsuit filed, against the court, a justice, a judge or subordinate judicial officer, a court executive officer or administrator, or a court employee, and forward the claim and lawsuit to the Office of the General Counsel for handling; and
- (2) Consult with the Administrative Office of the Courts, Office of the General Counsel, regarding strategic and settlement decisions in claims and lawsuits.

(Subd (c) amended effective January 1, 2003; previously amended effective July 1, 2002.)

- (d) **[Disagreements about major strategic decisions]** Following consultation with the Office of the General Counsel, a Presiding Judge or Administrative Presiding Justice may object to a proposed decision of the Office of the General Counsel about major strategic decisions, such as retention of counsel and proposed settlements, by presenting to the Office of the General Counsel a written statement of the objection. The Office of the General Counsel must present the written objection to the Litigation Management Committee, which will resolve the objection.

(Subd (d) adopted effective January 1, 2003.)

Rule 6.202 renumbered effective January 1, 2003; adopted as rule 6.800 effective January 1, 2001; amended effective July 1, 2002.

Drafter's Notes

2001—See note following rule 6.14.

2002—The rule now correctly refers to the “Office of the General Counsel.”

DIVISION III. Appellate Court Administration [Reserved]

DIVISION IV. Trial Court Administration

CHAPTER 1. General Rules on Trial Court Management

Drafter's Notes

1999—Rules 2301, 2501, 2520, 2530, and 2531 have been renumbered as 6.101, 6.601, 6.650, 6.700, and 6.701 in keeping with the new numbering system for Title 6 rules.

Rule 6.601. Superior court management

Rule 6.602. Selection and term of presiding judge

Rule 6.603. Authority and duties of presiding judge

Rule 6.605. Executive committee

Rule 6.608. Duties of all judges

Rule 6.609. Role of subordinate judicial officers

Rule 6.610. Duties of court executive officer

Rule 6.601. Superior court management

- (a) **[Purpose]** The purpose of the rules in this division is to establish a system of trial court management that:
- (1) Promotes equal access to the courts;
 - (2) Establishes decentralized management of trial court resources; and
 - (3) Enables the trial courts to operate in an efficient, effective, and accountable manner in serving the people of California.
- (b) **[Goals]** These rules are intended to ensure the authority and responsibility of the superior courts of each county to do the following, consistent with statutes, rules of court, and standards of judicial administration:
- (1) Manage their day-to-day operations with sufficient flexibility to meet the needs of those served by the courts;
 - (2) Establish the means of selecting presiding judges, assistant presiding judges, executive officers or court administrators, clerks of court, and jury commissioners;
 - (3) Manage their personnel systems, including the adoption of personnel policies;
 - (4) Manage their budget and fiscal operations, including allocating funding and moving funding between functions or line items;
 - (5) Provide input to the Judicial Council, the Judicial Branch Budget Advisory Committee, and the Administrative Office of the Courts on the trial court budget process; and
 - (6) Develop and implement processes and procedures to improve court operations and responsiveness to the public.

(Subd (b) amended effective January 1, 2002.)

- (c) **[Decentralized management]** “Decentralized management” as used herein refers to the administration of the trial courts on a countywide basis, unless an alternative structure has been approved by the Judicial Council, consistent with applicable statutes, rules, and standards of judicial administration.

Rule 6.601 amended effective January 1, 2002; adopted as rule 2501 effective July 1, 1998; renumbered effective January 1, 1999.

Drafter's Notes

1998—In response to the Lockyer-Isenberg Trial Court Funding Act of 1997 (AB 233), the council adopted five new rules on court management effective July 1, 1998. These new rules will be incorporated into a new title of the California Rules of Court covering judicial administration (Title Six). In addition, rules 205, 207, and 532.5, regarding the duties of presiding judges and court executives in preparing personnel plans, were amended to conform to the new rules, and section 27 of the Standards of Judicial Administration, regarding trial court personnel plans, was repealed effective July 1, 1998. Rule 2501 addresses general principles of trial court management consistent with the mandate of AB 233 that the management of trial court operations be decentralized and that courts be administered on a countywide basis.

2002—See note following rule 6.11.

Comment

As required by Government Code section 77001(e), the Judicial Council, in adopting the rules in this title, intends to ensure “equal access to justice throughout California utilizing standard practices and procedures whenever feasible.” Rules will be adopted in this Division governing at least the following areas of judicial administration: (1) management of human resources; (2) budgeting; (3) allocation of funding and other resources; (4) automation and information systems; and (5) facilities planning.

Rule 6.602. Selection and term of presiding judge

(a) [Selection]

- (1) *(Courts with three or more judges)* Each court that has three or more judges shall select a presiding judge by secret ballot in accordance with the court's internal policies.
- (2) *(Two-judge courts)* In a court having two judges, the selection of the presiding judge shall conform to Government Code section 69508.5. If selection cannot be agreed upon and neither judge has at least four years of experience, the senior judge shall hold the office of presiding judge until both judges have at least four years of experience.

- (b) [Requisite experience and waiver]** A presiding judge must have at least four years of experience as a judge, unless this requirement is waived by a majority vote of the judges of the court. Nomination and selection of a presiding judge should take into consideration the judge's (1) Management and administrative ability; (2) Interest in serving in the position; (3) Experience and familiarity

with a variety of trial court assignments; (4) Ability to motivate and educate other judicial officers and court personnel; (5) Ability to evaluate the strengths of the court's bench officers and make assignments based on those strengths as well as the best interests of the public and the court; and (6) Other appropriate factors.

- (c) **[Term]** A presiding judge in a court with two judges shall be elected for a term, as established by local rule or policy, of not less than one year. A presiding judge in a court with three or more judges shall be elected for a term, as established by local rule or policy, of not less than two years. The presiding judge may serve consecutive terms. A presiding judge may be removed by a majority vote of the judges of the court.

(d) **[Assistant and acting presiding judge]**

- (1) The court may elect an assistant presiding judge.
- (2) If local rule or policy does not provide for the designation of an acting presiding judge to serve if the presiding judge is absent or unable to act, the presiding judge shall designate one.

- (e) **[Caseload adjustment]** To the extent possible, the judicial caseload should be adjusted to provide the presiding judge with sufficient time and resources to devote to the management and administrative duties of the office.

Rule 6.602 adopted effective January 1, 2001.

Drafter's Notes

2001—This rule includes a list of specific types of interests and abilities that should be taken into consideration in nominating and selecting a presiding judge. The rule does not mandate particular qualifications for a presiding judge, but rather is intended to assist members of the court in the selection process. The rule also lengthens the minimum term of the presiding judge in courts with three or more judges from not less than one year to not less than two years. The two-year term is designed to give the presiding judge more time to acquire and exercise the skills needed to manage the court and implement change.

Rule 6.603. Authority and duties of presiding judge

- (a) **[General responsibilities]** With the assistance of the court executive officer, the presiding judge is responsible for leading the court, establishing policies, and allocating resources in a manner that promotes access to justice for all members of the public, provides a forum for the fair and expeditious resolution of disputes, maximizes the use of judicial and other resources, increases

efficiency in court operations, and enhances service to the public. The presiding judge is responsible for:

- (1) Ensuring the effective management and administration of the court, consistent with any rules, policies, strategic plan, or budget adopted by the Judicial Council or the court;
- (2) Ensuring that the duties of all judges specified under rule 6.608 are timely and orderly performed; and
- (3) Ensuring that the court has adopted written policies and procedures allowing the presiding judge to perform efficiently the administrative duties of that office.

(b) [Authority]

- (1) The presiding judge has the authority to:
 - (A) Assign judges to departments and designate supervising judges for divisions, districts, or branch courts;
 - (B) Apportion the business of the court, including assigning and reassigning cases to departments;
 - (C) Call meetings of the judges;
 - (D) Appoint standing and special committees of judges;
 - (E) Act as the spokesperson for the court;
 - (F) Authorize and direct expenditures from the court's Trial Court Operations Fund; and
 - (G) Perform all acts necessary to accomplish the duties specified by the rules of court.
- (2) No local rule or policy may limit the authority of the presiding judge as granted in the rules of court.

(c) [Duties]

(1) (*Assignments*) The presiding judge has ultimate authority to make judicial assignments. The presiding judge must:

- (A) [Presiding and supervising judges] Designate a judge to preside in each department, including a master calendar judge when appropriate, and designate a presiding judge of the juvenile division and a supervising judge for each division, district, or branch court;. In making judicial assignments, the presiding judge must take into account the following: (i) the needs of the public and the court, as they relate to the efficient and effective management of the court's calendar; (ii) the knowledge and abilities demanded by the assignment; (iii) the judge's judicial and nonjudicial experience, including specialized training or education; (iv) the judge's interests; (v) the need for continuity in the assignment; (vi) the desirability of exposing the judge to a particular type of assignment; and (vii) other appropriate factors. Judicial assignments must not be based solely or primarily on seniority;
- (B) [Master calendar judge] Assign to a master calendar judge any of the duties that may more appropriately be performed by that department;
- (C) [Calendar] Supervise the court's calendar, apportion the business of the court among the several departments of the court as equally as possible, and publish for general distribution copies of a current calendar setting forth the judicial assignments of the judges and the times and places assigned for hearings;
- (D) [Reassignments] Reassign cases between departments as convenience or necessity requires; and
- (E) [Judge unable to act] Designate a judge to act if by law or these rules a matter is required to be presented to or heard by a particular judge and that judge is absent, deceased, or unable to act.

(2) (*Judicial schedules*)

- (A) The presiding judge shall adopt a process for scheduling judges' vacations and absences from court for attendance at schools, conferences, workshops, and community outreach activities, and shall prepare a plan for these vacations and absences from court.

- (B) The plan should take into account the principles contained in sections 25.1 through 25.3 (on judicial education) and section 39 (on community activities) of the Standards of Judicial Administration.
- (C) The presiding judge shall review requests from judges for time absent from court and may approve any request that is consistent with the plan and with the orderly operation of the court.
- (D) The presiding judge shall allow each judge to take two days of personal leave per year. Personal leave may be taken at any time that is approved by the presiding judge.
- (E) The presiding judge shall allow the following number of days of vacation for each judge annually:
 - (i) 24 days for judges with less than 7 years of service as a California judge;
 - (ii) 27 days for judges with at least 7 but less than 14 years of service as a California judge; and
 - (iii) 30 days for judges with 14 or more years of service as a California judge.
- (F) The presiding judge may authorize a judge to take more time off than is specified in subdivision (c)(2)(E) as justified by extraordinary circumstances, if the circumstances are documented and the authorization is in writing.
- (G) The presiding judge, in his or her discretion, may allow a judge to take additional vacation days equal to the number of vacation days that the judge did not use in the previous year, up to a maximum of 30 such days. A court may, by local rule, establish a lower maximum number of such days. This subdivision applies only to vacation days accrued after January 1, 2001. It does not affect any unused vacation days that a judge may have accrued before January 1, 2001, which are governed by local court policy, nor does it create any right to compensation for unused vacation days.
- (H) The court shall, by local rule, define a day of vacation. Absence from court to attend an authorized education program, conference, or workshop for judges, or to participate in Judicial Council or other

authorized committees or community outreach activities, shall not be considered vacation time if attendance is in accordance with the plan and has the prior approval of the presiding judge. Absence from court due to illness is not considered vacation time. This rule does not limit the time a judge may be absent from court when unable to work due to illness.

- (I) To ensure compliance with the plan, the presiding judge shall establish a system to monitor judges' absences from court and maintain records of those absences.
- (3) (*Submitted cases*) The presiding judge shall supervise and monitor the number of causes under submission before the judges of the court and ensure that no cause under submission remains undecided and pending for longer than 90 days. As an aid in accomplishing this goal, the presiding judge shall:
- (A) Require each judge to report to the presiding judge all causes under submission for more than 30 days, and with respect to each cause, designate whether it has been under submission for 30 through 60 days, 61 through 90 days, or for over 90 days;
 - (B) Compile a list of all causes under submission before judges of the court which shall be designated as the submitted list and which shall include the name of each judge, a list of causes under submission before that judge, and the length of time each cause has been under submission;
 - (C) Circulate monthly a complete copy of the submitted list to each judge of the court;
 - (D) Contact and alert each judge who has a cause under submission for over 30 days and discuss ways to ensure that the cause is timely decided;
 - (E) Consider providing assistance to a judge who has a cause under submission for over 60 days; and
 - (F) Consider requesting the services of the Administrative Office of the Courts to review the court's calendar management procedures and make recommendations whenever any of the following conditions exist in the court for the most recent three months:

- (i) More than 90 civil active cases are pending for each judicial position; or
 - (ii) More than 10 percent of the cases on the civil active list have been pending for one year or more.
- (4) (*Oversight of judicial officers*) The presiding judge shall:
 - (A) [Judges] Notify the Commission on Judicial Performance of
 - (i) A judge's substantial failure to perform judicial duties, including but not limited to any habitual neglect of duty, persistent refusal to carry out assignments as assigned by the presiding judge, or persistent refusal to carry out the directives of the presiding judge as authorized by the rules of court; or
 - (ii) Any absences caused by disability totaling more than 90 court days in a 12-month period, excluding absences authorized under subdivision (c)(2) of this rule.
 - (B) [Notice] Give the judge a copy of the notice to the commission under subdivision (A) if appropriate. If a copy is not given to the judge, the presiding judge shall inform the commission of the reasons why so notifying the judge was deemed inappropriate;
 - (C) [Commissioners] Prepare and submit to the judges for consideration and adoption procedures for receiving, inquiring into, and resolving complaints lodged against court commissioners and referees, consistent with rule 6.655, giving due consideration to section 16 of the Standards of Judicial Administration;
 - (D) [Temporary judges] Be responsible for the recruitment, training, supervision, approval, and performance of temporary judges; and
 - (E) [Assigned judges] For each assigned retired judge,
 - (i) Complete a confidential evaluation form;
 - (ii) Submit the form annually to the Administrative Director of the Courts;

- (iii) Direct complaints against the assigned judge to the Chief Justice, by forwarding them to the attention of the Administrative Director of the Courts, and provide requested information in writing to the Administrative Director of the Courts in a timely manner; and
 - (iv) Assist the Administrative Director in the process of investigating, evaluating, and making recommendations to the Chief Justice regarding complaints against retired judges who serve on assignment.
- (5) (*Personnel*) The presiding judge shall provide general direction to and supervision of the court executive officer, or, if the court has no executive officer, perform the duties of the court executive regarding personnel as specified in rule 6.610(c)(1).
- (6) (*Budget and fiscal management*) The presiding judge shall:
 - (A) Establish a process for consulting with the judges of the court on budget requests, expenditure plans, and other budget or fiscal matters the presiding judge deems appropriate;
 - (B) Establish responsible budget priorities and submit budget requests that will best enable the court to achieve its goals; and
 - (C) Approve procurements, contracts, expenditures, and the allocation of funds in a manner that promotes the implementation of state and local budget priorities and that ensures equal access to justice and the ability of the court to carry out its functions effectively. In a court with an executive officer, the presiding judge may delegate these duties to the court executive officer, but the presiding judge shall ensure that the court executive officer performs such delegated duties consistent with the court's established budget.
- (7) (*Meetings and committees*) The presiding judge shall establish a process for consulting with the judges of the court and may call meetings of the judges as needed. The presiding judge may appoint standing and special committees of judges as needed to assist in the proper performance of the duties and functions of the court.
- (8) (*Liaison*) The presiding judge shall:

- (A) Provide for liaison between the court and the Judicial Council, the Administrative Office of the Courts, and other governmental and civic agencies;
 - (B) Meet with or designate a judge or judges to meet with any committee of the bench, bar, news media, or community to review problems and to promote understanding of the administration of justice, when appropriate; and
 - (C) Support and encourage the judges to actively engage in community outreach to increase public understanding of and involvement with the justice system and to obtain appropriate community input regarding the administration of justice, consistent with the California Code of Judicial Ethics and section 39 of the Standards of Judicial Administration.
- (9) (*Planning*) The presiding judge shall:
- (A) Prepare, with the assistance of appropriate court committees and appropriate input from the community, a long-range strategic plan that is consistent with the plan and policies of the Judicial Council, for adoption in accordance with procedures established by local rules or policies; and
 - (B) Ensure that the court regularly and actively examines access issues, including, but not limited to, any physical, language, or economic barriers that impede the fair administration of justice.
- (10) (*Appellate records*) The presiding judge is responsible for ensuring the timely preparation of records on appeal.
- (A) The presiding judge ordinarily should delegate the following duties to the executive officer:
 - (i) Maintaining records of outstanding transcripts to be completed by each reporter;
 - (ii) Reassigning court reporters as necessary to facilitate prompt completion of transcripts; and
 - (iii) Reviewing reporters' requests for extensions of time to complete transcripts in appeals of criminal cases.

(B) After reasonable notice and hearing, the presiding judge shall declare any reporter of the court who is delinquent in completing a transcript on appeal not competent to act as a reporter in court, under Government Code section 69944.

(11) (*Local rules*) The presiding judge shall prepare, with the assistance of appropriate court committees, proposed local rules to expedite and facilitate court business in accordance with Government Code section 68071 and rules 981 and 981.1.

(Subd (c) amended effective January 1, 2002; previously amended effective January 1, 2001.)

(d) [Delegation]

- (1) (*All courts*) The presiding judge may delegate any of the specific duties listed in this rule to another judge or, if the duty does not require the exercise of judicial authority, to the court executive officer. The presiding judge remains responsible for all duties listed in this rule even if he or she has delegated particular tasks to someone else.
- (2) (*Coordinated courts*) Notwithstanding any other provision in this rule, any of the duties and responsibilities of the presiding judge may be transferred to a single presiding judge or oversight committee in accordance with rule 991 and an approved coordination plan.

Rule 6.603 amended effective January 1, 2002; adopted and amended effective January 1, 2001.

Drafter's Notes

2001—This rule identifies the scope of the presiding judge's general responsibilities and authority, and provides that the presiding judge's authority as granted by the rules of court may not be limited by local rule or policy. The rule enumerates specific duties of the presiding judge, incorporating most of the duties specified in current rules. The rule includes new provisions outlining the presiding judge's budgetary and fiscal responsibilities.

The amendment to subdivision (c)(2) of this rule clarifies that when calculating vacation days for judges, "years of service" includes all service as a California judge.

2002—The amended rule adds factors that the presiding judge must take into account in making judicial assignments, specifies that assignments must not be based solely or primarily on seniority, clarifies that the authority to make judicial assignments rests with the presiding judge, and specifies that the presiding judge of the court must designate a presiding judge of the juvenile division.

Rule 6.605. Executive committee

In accordance with the internal policies of the court, an executive committee may be established by the court to advise the presiding judge or to establish policies and procedures for the internal management of the court. An executive committee may be appointed by the presiding judge to advise the presiding judge.

Rule 6.605 adopted effective January 1, 2001.

Drafter's Notes

2001—This rule authorizes the court to establish an executive committee either to advise the presiding judge or to establish policies and procedures for the internal management of the court. However, the day-to-day management of the court remains the responsibility of the presiding judge.

Rule 6.608. Duties of all judges

Each judge shall:

- (1) Hear all assigned matters unless he or she is disqualified or has stated in writing the reasons for refusing to hear a cause assigned for trial, and the presiding judge or master calendar judge has concurred;
- (2) Immediately notify the master calendar judge or the presiding judge upon the completion or continuation of a trial or any other matter assigned for hearing;
- (3) Request approval of the presiding judge for any intended absence of one-half day or more, within a reasonable time before the intended absence;
- (4) Follow the court's personnel plan in dealing with employees; and
- (5) Follow directives of the presiding judge in matters of court management and administration, as authorized by the rules of court and the local rules and internal policies of the court.

Rule 6.608 adopted effective January 1, 2001.

Rule 6.609. Role of subordinate judicial officers

- (a) **[Application]** This rule applies to all subordinate judicial officers except those acting as child support commissioners under Family Code section 4251.

- (b) **[Role of subordinate judicial officers]** The primary role of subordinate judicial officers is to perform subordinate judicial duties. However, a presiding judge may assign a subordinate judicial officer to sit as a temporary judge where lawful, if the presiding judge determines that, because of a shortage of judges, it is necessary for the effective administration of justice.

Rule 6.609 adopted effective July 1, 2002.

Drafter's Notes

2002—New rule 6.609 establishes that the primary role of subordinate judicial officers is to perform subordinate judicial duties and provides that presiding judges may assign subordinate judicial officers to act as temporary judges when a shortage of judges makes it necessary.

Rule 6.610. Duties of court executive officer

- (a) **[Selection]** A court may employ an executive officer selected in accordance with procedures adopted by the court.
- (b) **[General responsibilities]** Acting under the direction of the presiding judge, the court executive officer is responsible for overseeing the management and administration of the non-judicial operations of the court and allocating resources in a manner that promotes access to justice for all members of the public, provides a forum for the fair and expeditious resolution of disputes, maximizes the use of judicial and other resources, increases efficiency in court operations, and enhances service to the public.
- (c) **[Duties]** Under the direction of the presiding judge and consistent with the law and rules of court, the court executive officer shall perform the following duties, where they are not inconsistent with the authorized duties of the clerk of the court:
- (1) *(Personnel)* Provide general direction to and supervision of the employees of the court, and draft for court approval and administer a personnel plan for court employees that complies with rule 6.650. The court executive officer has the authority, consistent with the personnel plan, to hire, discipline, and terminate non-judicial employees of the court.
 - (2) *(Budget)* Make recommendations to the presiding judge on budget priorities; prepare and implement court budgets, including accounting, payroll, and financial controls; and employ sound budget and fiscal management practices and procedures to ensure that annual expenditures are within the court's budget.

- (3) (*Contracts*) Negotiate contracts on behalf of the court, in accordance with established contracting procedures and all applicable laws.
- (4) (*Calendar management*) Supervise and employ efficient calendar and case flow management systems, including analyzing and evaluating pending caseloads and recommending effective calendar management techniques.
- (5) (*Technology*) Analyze, evaluate, and implement technological and automated systems to assist the court.
- (6) (*Jury management*) Manage the jury system in the most efficient and effective way.
- (7) (*Facilities*) Plan physical space needs, and purchase and manage equipment and supplies.
- (8) (*Records*) Create and manage uniform record-keeping systems, collecting data on pending and completed judicial business and the internal operation of the court, as required by the court and the Judicial Council.
- (9) (*Recommendations*) Identify problems, recommending procedural and administrative changes to the court.
- (10) (*Public relations*) Provide a clearinghouse for news releases and other publications for the media and public.
- (11) (*Liaison*) Act as liaison to other governmental agencies.
- (12) (*Committees*) Provide staff for judicial committees.
- (13) (*Other*) Perform other duties as the presiding judge directs.

Rule 6.610 adopted effective January 1, 2001.

Drafter's Notes

2001—This rule specifies the duties of the court executive officer, incorporating the duties listed in current rules. The rule also clarifies that the court executive officer has the authority to hire, discipline, and terminate nonjudicial employees of the court, consistent with the court's personnel plan.

CHAPTER 2. Trial Court Management of Human Resources

Rule 6.650. Trial court personnel plans

Rule 6.655. Complaints against subordinate judicial officers

Rule 6.660. Qualifications and education of subordinate judicial officers

Rule 6.661. Regional court interpreter employment relations committees

Rule 6.662. Cross-assignments for court interpreter employees

Rule 6.665. Subordinate judicial officers: practice of law

Rule 6.650. Trial court personnel plans

- (a) **[Purpose]** The purpose of this rule is to establish the authority and responsibility of the trial courts, on a countywide basis, to create and implement a system of personnel management designed to achieve lawful, uniform, and fair employment practices and procedures.
- (b) **[Countywide personnel plans]** The trial courts of the county shall establish a single personnel plan on a countywide basis, consistent with applicable statutes, rules, and standards of judicial administration.
- (c) **[Provisions of a personnel plan]** The personnel plan shall ensure that treatment of employees complies with current law. The personnel plan should address the following issues:
 - (1) A salary-setting procedure;
 - (2) Regular review of job classifications and titles;
 - (3) An equal employment opportunity policy applying to all employees in accordance with applicable state and federal law;
 - (4) Recruitment, selection, and promotion policies;
 - (5) A sexual harassment prevention policy;
 - (6) A reasonable accommodation policy;
 - (7) Grievance or complaint procedures covering, but not limited to, sexual harassment, discrimination, and denial of reasonable accommodation;
 - (8) An employee benefits plan that includes health benefits, retirement benefits, workers' compensation benefits, disability leave, and paid and unpaid leave in compliance with state and federal law;

- (9) Timekeeping and payroll policies and procedures that comply with applicable state and federal law;
 - (10) A records management policy, including confidentiality and retention of personnel records;
 - (11) Job-related training and continuing education programs for all personnel concerning at least the following:
 - (i) Sexual harassment awareness,
 - (ii) Discrimination and bias, and
 - (iii) Safety;
 - (12) A policy statement on professional behavior requiring that all employees conduct themselves in a professional manner at all times and refrain from offensive conduct or comments that reflect bias or harassment;
 - (13) A policy regarding conflicts of interest and incompatible activities;
 - (14) Procedures for discipline and discharge; and
 - (15) A labor policy consistent with rules 2203–2209.
- (d) **[Optional provisions]** A personnel plan may contain additional provisions, including, but not limited to, the following:
- (1) Criteria and schedules for performance evaluations for all levels of employees;
 - (2) Job-related training and continuing education programs for all personnel as appropriate, with provisions for both paid and unpaid educational leave concerning:
 - (i) Career development, including basic skills and managerial skills, and
 - (ii) Equal employment opportunity concepts and recruitment methods.

- (3) An employee benefit plan that may but is not required to include:
- (i) Flex-time, part-time, job-sharing, and other alternative work schedules,
 - (ii) Cafeteria options to use pre-tax dollars for dependent care and medical care and sick leave for care of dependents,
 - (iii) An employee assistance program, and
 - (iv) A deferred compensation plan.
- (e) **[Submission of personnel plans]** The trial courts of each county shall submit to the Judicial Council a personnel plan in compliance with these provisions by March 1, 1999. The trial courts of each county shall submit to the Judicial Council any changes to this plan by March 1 of every following year. If requested by a trial court, the Administrative Office of the Courts shall review the court's personnel plan and provide the court with technical assistance in preparing these plans.

Rule 6.650 renumbered effective January 1, 1999; adopted as rule 2520 effective July 1, 1998.

Drafter's Notes

1998—In response to the Lockyer-Isenberg Trial Court Funding Act of 1997 (AB 233), the council adopted five new rules on court management effective July 1, 1998. These new rules will be incorporated into a new title of the California Rules of Court covering judicial administration (Title Six). In addition, rules 205, 207, and 532.5, regarding the duties of presiding judges and court executives in preparing personnel plans, were amended to conform to the new rules, and section 27 of the Standards of Judicial Administration, regarding trial court personnel plans, was repealed effective July 1, 1998. Rule 2520 requires the trial courts of a county to prepare a countywide personnel plan that ensures the treatment of employees complies with current law. The rule also lists subjects that the council recommends be covered in such a plan.

Rule 6.655. Complaints against subordinate judicial officers

- (a) **[Intent]** The procedures in this rule for processing complaints against subordinate judicial officers do not
- (1) Create a contract of employment;
 - (2) Change the existing employee-employer relationship between the subordinate judicial officer and the court; or

- (3) Change the status of a subordinate judicial officer from an employee terminable at will to an employee terminable only for cause.
- (b) **[Definitions]** Unless the context requires otherwise, the following definitions apply to this rule:
- (1) “Subordinate judicial officer” means an attorney employed by a court to serve as a commissioner or referee, whether the attorney is acting as a commissioner, referee, or temporary judge. The term does not include any other attorney acting as a temporary judge.
 - (2) “Presiding judge” includes the person or group the presiding judge designates to perform any duty required by this rule to be performed by a presiding judge.
 - (3) “Commission” means the Commission on Judicial Performance. The commission exercises discretionary jurisdiction over the discipline of subordinate judicial officers under article VI, section 18.1 of the California Constitution.
- (c) **[Applicability]**
- (1) This rule applies to complaints against subordinate judicial officers initially submitted to a court on or after November 20, 1998.
 - (2) A court that employs a subordinate judicial officer shall use the procedures in this rule for processing complaints against the subordinate judicial officer if the complaint alleges conduct that if alleged against a judge would be within the jurisdiction of the commission under article VI, section 18 of the California Constitution.
 - (3) If a complaint against a subordinate judicial officer does not allege conduct within the jurisdiction of the commission, the court shall process the complaint following local procedures adopted under rule 6.603(c)(4)(C). The local process may include any procedures from this rule for the court’s adjudication of the complaint other than the provisions for referring the matter to the commission under subdivision (g) or giving notice of commission review under subdivision (l)(2)(B).
 - (4) A court may adopt additional policies and procedures for the adjudication of complaints against subordinate judicial officers not inconsistent with this rule.

(Subd (c) amended effective July 1, 2002.)

(d) [Promptness required] The presiding judge shall ensure that the court processes each complaint promptly. To the extent reasonably possible, the court shall complete action on each complaint within 90 days after the complaint is submitted.

(e) [Confidentiality]

- (1) All proceedings by a presiding judge under this rule shall be conducted in a manner that is as confidential as is reasonably possible consistent with the need to conduct a thorough and complete investigation and the need for proper administration of the court.
- (2) This rule does not prohibit access by the commission to any information relevant to the investigation of a complaint against a subordinate judicial officer.

(f) [Written complaints to presiding judge]

- (1) A complaint about the conduct of a subordinate judicial officer shall be in writing and be submitted to the presiding judge.
- (2) Persons who because of a disability are unable to file a written complaint may present an oral complaint, which the presiding judge shall commit to writing.
- (3) The presiding judge shall give written notice of receipt of the complaint to the complainant.

(g) [Initial review of the complaint]

- (1) The presiding judge shall review each complaint and determine if the complaint:
 - (A) May be closed after initial review;
 - (B) Needs preliminary investigation; or
 - (C) Requires formal investigation.

- (2) A presiding judge may request that the commission investigate and adjudicate the complaint if a local conflict of interest or disqualification prevents the court from acting on the complaint.
- (3) In exceptional circumstances a presiding judge may request the commission to investigate a complaint on behalf of the court and provide the results of the investigation to the court for action.
- (4) The court shall maintain a file on every complaint received, containing the following:
 - (A) The complaint;
 - (B) The response of the subordinate judicial officer, if any;
 - (C) All evidence and reports produced by the investigation of the complaint, if any; and
 - (D) The final action taken on the complaint.

(h) [Closing a complaint after initial review]

- (1) After a preliminary review the presiding judge may close without further action any complaint that
 - (A) Relates to the permissible exercise of judicial or administrative discretion by the subordinate judicial officer; or
 - (B) Does not allege conduct that if alleged against a judge would be within the jurisdiction of the commission under article VI, section 18 of the California Constitution.
- (2) The presiding judge shall notify the complainant in writing of the decision to close the investigation on the complaint. The notice shall include the information required under subdivision (l).
- (3) The presiding judge shall advise the subordinate judicial officer in writing of the disposition.

(i) [Complaints requiring preliminary investigation]

- (1) If after an initial review of the complaint the presiding judge finds a basis for further inquiry, the presiding judge shall conduct a preliminary investigation appropriate to the nature of the complaint.
- (2) The investigation may include interviews of witnesses and a review of court records.
- (3) The presiding judge may give the subordinate judicial officer a copy of the complaint or a summary of its allegations and allow him or her an opportunity to respond.
- (4) After completing the preliminary investigation, the presiding judge shall
 - (A) Terminate the investigation and close action on the complaint if the presiding judge finds the complaint to be lacking in merit; or
 - (B) Terminate the investigation and close action on the complaint by taking appropriate informal action, which may include a reprimand or warning to the subordinate judicial officer, if the presiding judge finds a basis for taking informal action; or
 - (C) Proceed with a formal investigation under subdivision (j) if the presiding judge finds a basis for proceeding further.
- (5) If the presiding judge terminates the investigation and closes action on the complaint, the presiding judge shall
 - (A) Notify the complainant in writing of the decision to close the investigation on the complaint. The notice shall include the information required under subdivision (l); and
 - (B) Advise the subordinate judicial officer in writing of the disposition.

(j) [Complaints requiring formal investigation]

- (1) If after a preliminary investigation the presiding judge finds a basis for proceeding with the investigation, the presiding judge shall conduct a formal investigation appropriate to the nature of the complaint.
 - (A) The investigation may include interviews of witnesses and a review of court records.

- (B) As soon as practicable, the presiding judge shall give the subordinate judicial officer a copy of the complaint or a summary of its allegations and allow the subordinate judicial officer an opportunity to respond.
- (2) Within 10 days after the completion of the investigation or as soon thereafter as is reasonably possible, the presiding judge shall give the subordinate judicial officer the following in writing:
 - (A) Notice of the intended final action on the complaint; and
 - (B) The facts and other information forming the basis for the proposed action and the source of the facts and information, sufficient to allow a meaningful response to the allegations.
- (3) Final action on the complaint may include the following:
 - (A) A finding that no further action need be taken on the complaint;
 - (B) An oral or written warning to the subordinate judicial officer;
 - (C) A private written reprimand to the subordinate judicial officer;
 - (D) A public written reprimand to the subordinate judicial officer;
 - (E) Suspension of the subordinate judicial officer;
 - (F) Termination of the subordinate judicial officer; and
 - (G) Any other action the court may deem appropriate.
- (4) The notice of the intended final action on the complaint in subdivision (j)(2)(A) shall include the following advice:
 - (A) The subordinate judicial officer may request an opportunity to respond within 10 days after service of the notice; and
 - (B) If the subordinate judicial officer does not request an opportunity to respond within 10 days after service of the notice, the proposed action shall become final.

- (5) If the subordinate judicial officer requests an opportunity to respond, the presiding judge should allow the subordinate judicial officer an opportunity to respond to the notice of the intended final action, either orally or in writing as specified by the presiding judge, in accordance with local rules.
- (6) Within 10 days after the subordinate judicial officer has responded, the presiding judge shall give the subordinate judicial officer and the complainant written notice of the final action taken on the complaint. The notice to the complainant shall include the information required under subdivision (l).
- (7) If the subordinate judicial officer does not request or has not been given an opportunity to respond, the presiding judge shall promptly give written notice of the final action to the complainant. The notice shall include the information required under subdivision (l).

(k) [Report to the Commission on Judicial Performance]

- (1) If after a formal investigation under subdivision (j) the complaint results in the written reprimand, suspension, or removal of the subordinate judicial officer for conduct that if alleged against a judge would be within the jurisdiction of the commission under article VI, section 18 of the California Constitution, the presiding judge shall promptly forward to the commission a copy of the portions of the court file on the complaint that reasonably reflect the basis of the action taken by the court, including the complaint and the subordinate judicial officer's response.
- (2) If the subordinate judicial officer resigns while an investigation is pending, the presiding judge shall within 15 days of the resignation, or as soon thereafter as is reasonably possible, forward to the commission the entire court file on any pending complaint.
- (3) Upon request by the commission, the presiding judge shall forward to the commission any requested information about a complaint against a subordinate judicial officer.

(l) [Notice of final court action]

- (1) When the court has completed its action on a complaint, the presiding judge shall promptly notify the complainant and the subordinate judicial officer of the final court action.

(2) The notice to the complainant of the final court action shall

(A) Provide a general description of the action taken by the court consistent with any law limiting the disclosure of confidential employee information; and

(B) Include the following statement:

If you are dissatisfied with the court's action on your complaint, you have the right to request the Commission on Judicial Performance to review this matter under its discretionary jurisdiction to oversee the discipline of subordinate judicial officers. No further action will be taken on your complaint unless the commission receives your written request within 30 days after the date this notice was mailed. The commission's address is:

Commission on Judicial Performance
455 Golden Gate Avenue
Suite 14400
San Francisco, California 94102-3660

(Subd (1) amended effective April 29, 1999.)

Rule 6.655 amended effective July 1, 2002; adopted effective November 20, 1998; previously amended effective April 29, 1999.

Drafters' Notes

1999—The amendment to rule 6.655 reflects the new address of the Commission on Judicial Performance and is effective April 29, 1999.

2002—This amendment corrects minor errors resulting from changes in statutes and inadvertent omissions

Rule 6.660. Qualifications and education of subordinate judicial officers

- (a) **[Definition]** For purposes of this rule, “subordinate judicial officer” means a person appointed by a court to perform subordinate judicial duties as authorized by article VI, section 22 of the California Constitution, including but not limited to a commissioner, a referee, and a hearing officer.
- (b) **[Qualifications]** Except as provided in subdivision (d), a person is ineligible to be a subordinate judicial officer unless the person is a member of the State Bar and:

- (1) Has been admitted to practice law in California for at least 10 years or, upon a finding of good cause by the presiding judge, for at least 5 years; or
 - (2) Is serving as a subordinate judicial officer in a trial court as of January 1, 2003.
- (c) **[Education]** A subordinate judicial officer must comply with the education requirements of any position to which he or she is assigned, even if it is not his or her principal assignment. Such requirements include but are not limited to the following, as applicable: California Rules of Court, rules 970, 1200, 1280.8, and Welfare and Institutions Code, section 304.7.
- (d) **[Juvenile referees and hearing officers]** A person appointed as a juvenile referee or as a hearing officer under Welfare and Institutions Code, sections 247, 255, or 5256.1 must meet the qualification requirements established by those sections. Such a person is ineligible to exercise the powers and perform the duties of another type of subordinate judicial officer unless he or she meets the qualifications established in subdivision (b).

Rule 6.660 adopted effective January 1, 2003.

Rule 6.661. Regional Court Interpreter Employment Relations Committees

- (a) **[Creation]** Government Code sections 71807–71809 establish four Regional Court Interpreter Employment Relations Committees. Each committee has the authority, for spoken language court interpreters within its region as defined under Government Code section 71807 (a), to:
- (1) Set the terms and conditions of employment for court interpreters, subject to meet and confer in good faith, as authorized by Government Code section 71808;
 - (2) Adopt reasonable rules and regulations for the administration of employer-employee relations with recognized employee organizations, as authorized by Government Code section 71823 (a); and
 - (3) Act as the representative of the superior courts within the region in bargaining with a recognized employee organization as authorized by Government Code section 71809.

(b) [Membership]

- (1) Before September 15, 2003, each Regional Court Interpreter Employment Relations Committee consists of one representative from each superior court that has at least one interpreter eligible to apply for a position as a court interpreter pro tempore under Government Code section 71802.
- (2) After September 15, 2003, each Regional Court Interpreter Employment committee consists of one representative from each superior court that has at least one interpreter employed as a court interpreter pro tempore as defined by Government Code section 71805.
- (3) The following regions are established by Government Code section 71807:
 - (A) Region 1: Los Angeles, Santa Barbara, and San Luis Obispo Counties.
 - (B) Region 2: Counties of the First and Sixth Appellate Districts, except Solano County.
 - (C) Region 3: Counties of the Third and Fifth Appellate Districts.
 - (D) Region 4: Counties of the Fourth Appellate District.
- (4) The Court Executive Officer of each superior court may appoint the court's representative, under rule 6.610, which authorizes the Court Executive Officer, acting under the direction of the Presiding Judge, to oversee the management and administration of the non-judicial operations of the court.
- (5) Each Regional Court Interpreter Employment Relations Committee may appoint a Chief Negotiator to bargain with recognized employee organizations. The Chief Negotiator may be staff of the Administrative Office of the Courts.
- (6) Any superior court that is not entitled to appoint a representative under this rule, including the superior courts of Ventura and Solano counties, may appoint an advisory member to the committee for its region.

- (c) **[Rules of procedure]** Each Regional Court Interpreter Employment Relations Committee may adopt its own rules of procedure, including the procedure for selecting its chair, advisory members, and chief negotiator.
- (d) **[Voting]**
 - (1) Before September 15, 2003, each representative of a superior court has a number of votes equal to the number of interpreters eligible to apply for positions as court interpreter pro tempore in that trial court as defined by Government Code section 71804.
 - (2) After September 15, 2003, each representative of a superior court has a number of votes equal to the number of court interpreter pro tempore employees in that trial court as defined by Government Code section 71804.
 - (3) On July 1, 2004, and annually thereafter each Regional Court Interpreter Employment Relations Committee must recalculate the number of votes of each representative of a superior court to equal the number of court interpreter pro tempore employees in that court.
- (e) **[Administrative Office of the Courts]** The staff of the Administrative Office of the Courts will assist each Regional Court Interpreter Employment Relations Committee in performing its functions.

Rule 6.661 adopted effective March 1, 2003.

Rule 6.662. Cross-Assignments for Court Interpreter Employees

- (a) **[Purpose]** The purpose of this rule is to implement a process for cross-assignment of a court interpreter employed by a superior court pursuant to Government Code section 71810 (b).
- (b) **[Definitions]** As used in this rule:
 - (1) (*Home court*) “Home court” means the superior court in which the court interpreter is an employee. An employee’s home court includes all locations of a superior court within a county.
 - (2) (*Away court*) “Away court” means the superior court in which the court interpreter is temporarily cross-assigned.

- (3) (*Cross assignment*) “Cross assignment” means any assignment to perform spoken language interpretation for a superior court other than the interpreter's home court.
- (4) (*Regional court interpreter coordinator*) “Regional court interpreter coordinator” means an employee of the Administrative Office of the Courts whose duty it is to locate, assign, and schedule available court interpreter employees for courts within and across regions, which are described under Government Code section 71807(a).
- (5) (*Local court interpreter coordinator*) “Local court interpreter coordinator” means an employee of a superior court whose duty is to locate, assign, and schedule available court interpreter employees for his or her court.

(c) [Procedure for cross-assignments]

- (1) Under Government Code section 71804.5 (b) a court interpreter employed by a superior court is not permitted to be an employee of more than one superior court. A court interpreter employed by a superior court may not contract with another court, but may accept appointments to provide services to more than one court through cross-assignments.
- (2) A superior court may attempt to fill an interpreting assignment with the employee of another court before hiring an independent contract court interpreter.
- (3) If a superior court wants to fill an interpreting assignment with the employee of another court, the court must notify the regional court interpreter coordinator to locate an employee of a court within or across regions.
- (4) Each local court interpreter coordinator must provide the schedule of each court interpreter employee available for cross-assignment to the regional court interpreter coordinator.
- (5) A superior court may adopt additional internal procedures for cross-assigning a court interpreter employee that are not inconsistent with Government Code section 71810 and this rule.
- (6) A regional court interpreter employment relations committee may approve alternative procedures for cross-assigning a court interpreter employee

that permit the interpreter to directly arrange cross-assignments with an “away” court, provided that the procedures require notice to the regional coordinator.

- (d) **[Payment for cross-assignments]** The home court must issue payment to the court interpreter for all cross-assignments, including, but not limited to, per diem compensation and mileage reimbursement. The Administrative Office of the Courts will administer funding to the home court for payments associated to cross-assignments.
- (e) **[Duties of a court interpreter on cross-assignment]** A court interpreter who accepts a cross-assignment is responsible for following the personnel rules of the home court while performing services for the away court.
- (f) **[Superior Courts of California, Counties of Ventura and Solano]** The Superior Courts of Ventura and Solano may participate in the procedure for cross-assignments as follows:
 - (1) The Superior Court of California, County of Ventura may accept or provide interpreters on cross-assignment under the procedures established in Region 1, as defined by Government Code section 71807
 - (2) The Superior Court of California, County of Solano may accept or provide interpreters on cross-assignment under the procedures established in Region 2, as defined by Government Code section 71807.

Rule 6.662 adopted effective March 1, 2003.

Rule 6.665. Subordinate judicial officers: practice of law

A subordinate judicial officer may practice law only to the extent permitted by the Code of Judicial Ethics.

Comment

Government Code section 69917, effective January 1, 2003, provides that “A subordinate judicial officer may not engage in the private practice of law except to the extent permitted by Judicial Council rules.”

Rule 6.665 adopted effective January 1, 2003.

CHAPTER 3. Trial Court Budget and Fiscal Management

Rule 6.700. Superior court budgeting

Rule 6.701. Superior court budget procedures

Rule 6.702. Maintenance of and Public Access to Budget and Management Information

Rule 6.703. Acceptance of credit cards by trial courts

Rule 6.705. Notice of change in court-county relationship

Rule 6.707. Trial court financial policies and procedures

Rule 6.709. Disposal of surplus court personal property

Rule 6.700. Superior court budgeting

- (a) **[Purpose]** The purpose of this rule is to provide for local authority and accountability for development of budget requests and management of court operations within the authorized funding level. Superior courts must manage their budgets in a manner that is responsive to local needs, ensures equal access to justice, is consistent with council policy and legislative direction, and does not exceed the total allocated budget.

(Subd (a) amended effective January 1, 2002.)

- (b) **[Development of budget requests]** Each superior court must prepare and submit to the Administrative Office of the Courts a budget pursuant to the schedule and procedures established by the Judicial Council.

(Subd (b) amended effective January 1, 2002.)

(c) **[Allocation of funding]**

- (1) The allocation to each superior court is based on the amounts incorporated for that court in budget change proposals that have been funded through the Budget Act, except as otherwise ordered by the Judicial Council. The superior court of each county may distribute and periodically redistribute its annual allocation between programs, locations, and line items as needed, within the parameters of the *Trial Court Financial Policy and Procedure Manual* and consistent with council policy direction, to promote accessible justice and the effective, efficient, and accountable operation of the courts. The Judicial Council may make additional allocations as it deems appropriate.

- (2) The superior court of each county is accountable for achieving the expected outcomes of the programs funded for that year. If a court is unable to do so, it must report the reasons to the Judicial Council.

(Subd (c) amended effective January 1, 2002.)

Rule 6.700 amended effective January 1, 2002; adopted as rule 2530 effective July 1, 1998; renumbered effective January 1, 1999.

Drafter's Notes

1998—In response to the Lockyer-Isenberg Trial Court Funding Act of 1997 (AB 233), the council adopted five new rules on court management effective July 1, 1998. These new rules will be incorporated into a new title of the California Rules of Court covering judicial administration (Title Six). In addition, rules 205, 207, and 532.5, regarding the duties of presiding judges and court executives in preparing personnel plans, were amended to conform to the new rules, and section 27 of the Standards of Judicial Administration, regarding trial court personnel plans, was repealed effective July 1, 1998. Rules 2301, 2530, and 2531 address budget and fiscal management. They specify the responsibilities of the Judicial Council, the Administrative Office of the Courts, and the trial courts in the budget process, and set forth the authority of the courts to distribute and redistribute funds between programs, locations, and functions.

2002—See note following rule 6.11.

Rule 6.701. Superior court budget procedures

- (a) **[AOC adoption of budget procedures]** The AOC must adopt superior court budget procedures to be included in the *Trial Court Financial Policy and Procedure Manual*, the annual *Baseline Budget Development Package*, and the annual *Budget Change Request Package*. These procedures include, but are not limited to, the following:
 - (1) Procedures permitting the superior courts to comment on the proposed budget procedures;
 - (2) Procedures for budget development, submission, and appeal;
 - (3) Procedures for budget implementation, including expenditure and revenue reporting;
 - (4) Reasonable time frames to comply with requirements or changes in the budget procedures;

- (5) Procedures to ensure the reporting to the Judicial Council of relevant information on the implementation of programs funded;
- (6) Procedures for providing timely management information to the Judicial Council on the baseline budget, revenues, and expenditures.
- (7) An annual budget development and implementation calendar;
- (8) Procedures for a superior court to follow if it projects that its budget will be exhausted before the end of the fiscal year, preventing the court from meeting its financial obligations or continuing operations; and
- (9) Procedures governing the transfer of funds between individual programs and operations of expenditure.

(Subd (a) amended effective January 1, 2002.)

- (b) [Technical assistance]** The Administrative Office of the Courts, upon request, provides technical assistance and ongoing in budget development and implementation to the superior courts.

(Subd (b) amended effective January 1, 2002.)

Rules 6.701 amended effective January 1, 2002; adopted as rule 2531 effective July 1, 1998; renumbered effective January 1, 1999.

Drafter's Notes

1998—In response to the Lockyer-Isenberg Trial Court Funding Act of 1997 (AB 233), the council adopted five new rules on court management effective July 1, 1998. These new rules will be incorporated into a new title of the California Rules of Court covering judicial administration (Title Six). In addition, rules 205, 207, and 532.5, regarding the duties of presiding judges and court executives in preparing personnel plans, were amended to conform to the new rules, and section 27 of the Standards of Judicial Administration, regarding trial court personnel plans, was repealed effective July 1, 1998. Rules 2301, 2530, and 2531 address budget and fiscal management. They specify the responsibilities of the Judicial Council, the Administrative Office of the Courts, and the trial courts in the budget process, and set forth the authority of the courts to distribute and redistribute funds between programs, locations, and functions.

2002—See note following rule 6.11.

Rule 6.702. Maintenance of and public access to budget and management information

(a) **[Maintenance of information by county trial court systems]** The trial court system of each county shall maintain for a period of three years from the close of the fiscal year to which the following relate:

- (1) Official documents of the county trial court system pertaining to the approved county trial court system budget allocation adopted by the Judicial Council and actual final year-end trial court revenue and expenditure reports as required in budget procedures issued by the Administrative Office of the Courts to be maintained or reported to the council, including but not limited to budget allocation, revenue, and expenditure reports;
- (2) Records or other factual management information on matters which are within the scope of representation as defined in Government Code section 71634 unless distribution is otherwise precluded by law; and
- (3) Records or other factual management information on other matters referred to in Government Code section 71634 unless distribution is otherwise precluded by law.

(b) **[Maintenance of information by the Administrative Office of the Courts]** The Administrative Office of the Courts shall maintain for a period of three years from the close of the fiscal year to which the following relate:

- (1) Official approved budget allocations for each county trial court system;
- (2) Actual final year-end trial court revenue and expenditure reports required by budget procedures issued by the Administrative Office of the Courts to be maintained or reported to the council that are received from the county trial court systems including but not limited to budget revenues and expenditures for each county trial court system;
- (3) Budget priorities as adopted by the council; and
- (4) Documents concerning county trial court system budgets considered or adopted by the council at council business meetings on county trial court system budgets.

(c) **[Legislative priorities or mandates]** The information maintained under subdivisions a and b shall indicate, to the extent known, the Legislative requirements the funding is intended to address, if any; and any itemization of the funding allocation by purpose, program or function, and item of expense.

(d) [Public access]

- (1) Each county trial court system shall, upon written request, make available to the requesting person those documents required to be maintained under subdivision a of this rule.
- (2) The Administrative Office of the Courts shall, upon written request, make available to the requesting person those documents required to be maintained under subdivision b of this rule.

(e) [Time for response] Information requested under this rule shall be made available within 10 business days of receipt of the written request for information relating to the current or immediate previous fiscal year. Information relating to other fiscal years shall be made available within 20 business days of receipt of the written request for information. If the information requested is not within the scope of this rule, the Administrative Office of the Courts or the county trial court system shall so inform the requesting party within 10 business days of receipt of the written request.

(f) [Costs] The Administrative Office of the Courts and the county trial court system may charge a reasonable fee to cover any cost of copying any document provided under this rule. The amount of the fee shall not exceed the direct cost of duplication. A recognized employee organization and a county trial court system may provide for a different amount in their memorandum of understanding.

(g) [Preparation of reports not required] This rule does not require the council, the Administrative Office of the Courts, or any county trial court system to prepare any budgetary, revenue, or expense report or documentation that is not otherwise expressly required to be prepared by this rule or any other provision of law or rule of court.

(h) [Budget meeting] The provisions in this subdivision shall apply to that portion of any full council meeting at which county trial court system budgets are to be discussed. These provisions do not apply to other meetings such as orientation, planning, or educational meetings.

- (1) The council shall provide notice of the meeting at least five business days prior to the meeting.

- (2) The council shall make available at least five business days prior to the meeting all information concerning county trial court system budgets that has been distributed to the council by that time.
- (3) The council shall make available all other information concerning county trial court system budgets that is distributed to the council at the same time as that information is distributed to the council.
- (4) Any discussions or decisions of the full council at its business meetings regarding county trial court system budget allocations shall take place in open meetings of the council except for executive sessions regarding pending litigation.
- (5) Any designated employee representative has a right to provide written information on county trial court system budget allocations to the council.
- (6) Any designated employee representative who wishes to make an oral presentation to the council shall make a written request to the Administrative Office of the Courts (attention Secretariat Office) no later than 24 hours before the meeting unless the issue has arisen within the last five business days before the meeting in which case the written request may be made on the day of the meeting. The Chief Justice or his or her designee may limit the number and time of speakers in order to avoid cumulative discussion.
- (7) The notice and information required to be provided by this subdivision shall be provided to designated employee representatives who have submitted a written request to the Administrative Office of the Courts (attention Secretariat Office) to be notified and provided information and shall also be posted on the council's Internet Web site.

(Subd (h) amended effective July 1, 2002; previously amended effective July 1, 2001.)

- (i) **[Effect on other rules]** This rule is not intended to repeal, amend or modify the application of any rule adopted by the council prior to the effective date of this rule. To the extent that any other rule is contrary to the provisions of this rule, this rule shall apply.
- (j) **[Public Records Act]** The information required to be provided by subdivisions (a) and (b) of this rule shall be interpreted consistently with the requirement that the same information be provided under the Public Records Act (beginning with section 6250 of the Government Code), and the terms shall have the same

meaning as under that Act. This rule shall not require the disclosure of information which would not be subject to disclosure under that Act.

- (k) **[Internal memoranda]** Nothing in this rule shall require disclosure of internal memoranda unless otherwise required by law.
- (l) **[Rights of exclusive bargaining agent]** Nothing in this rule is intended to restrict the rights to disclosure of information otherwise granted by law to a recognized employee organization.

Rule 6.702 amended effective July 1, 2002; adopted effective January 1, 2001; previously amended effective July 1, 2001.

Drafter's Notes

January 2001—The rule requires trial courts and the Administrative Office of the Courts to maintain, and make available upon request, budget and management information for three years. With regard to Judicial Council meetings on trial court budgets, notice and copies of written materials must be given to the public, and certain meetings are to be open to the public. Any designated trial court employee representative may present written materials to the council and may request the opportunity to make an oral presentation to them.

July 2001—The revised rule replaces a reference to the Administrative Office of the Courts' "Council Services Division," which no longer exists, with the "Secretariat Office."

2002—The rule now correctly refers to the "Secretariat Office."

Rule 6.703. Acceptance of credit cards by trial courts

- (a) **[Delegation of authority to Administrative Director of the Courts]** The Administrative Director of the Courts is authorized, under rule 6.80, to approve on behalf of the Judicial Council requests from the trial courts to accept credit cards for the payment of court fees or to impose a charge for the use of credit cards. The authority is given to the Judicial Council by Government Code section 6159.
- (b) **[Standards for use of credit cards]** The Administrative Director is authorized to approve requests under subdivision (a) for acceptance of credit cards if all of the following are true:
 - (1) The court either (i) imposes a fee for the use of the credit card, (ii) demonstrates that the cost of acceptance of credit cards is not greater than the cost of acceptance of other means of payment of fees, or (iii)

demonstrates that it can absorb the cost of the acceptance of the credit card.

- (2) The court has obtained a credit card acceptance contract that is competitive with other possible contracts the court could obtain.
 - (3) The court provides alternative means for a person to pay court fees.
- (c) **[Standards for charge for the use of credit cards]** The Administrative Director is authorized to approve requests under subdivision (a) for the imposition of a charge for the use of credit cards if both of the following are true:
- (1) The proposed fee is not greater than the cost for acceptance of a credit card; and
 - (2) The proposed fee would not result in an undue hardship on people wishing to use credit cards for payment of fees.
- (d) **[Referral to Judicial Council]** The Administrative Director may refer any request under subdivision (a) to the Judicial Council for its action.
- (e) **[Existing approvals ratified]** The approval of any board of supervisors for any trial court to accept credit cards or charge a fee for the use of credit cards that was effective as of December 31, 1999 is ratified by the council as of January 1, 2000.

Rule 6.703 adopted effective January 1, 2000.

Drafter's Notes

2000—New rule 6.703 (1) recognizes existing county approvals allowing acceptance of credit cards by trial courts for court fees; (2) delegates to the Administrative Director the authority to approve new applications to accept credit cards; and (3) sets standards for the Director's approval.

Rule 6.705. Notice of change in court-county relationship

If, under Government Code section 77212, the county gives notice to the court that the county will no longer provide a specific county service or the court gives notice to the county that the court will no longer use a specific county service, the court shall, within 10 days of receiving or giving such notice, provide a copy of this notice to the Administrative Office of the Courts' Finance Bureau.

Rule 6.705 adopted effective January 1, 2000.

Drafter's Notes

2000—New rule 6.705 requires that if, under Government Code section 77212, either the county gives notice to the court that the county will no longer provide a specific county service or the court gives notice to the county that the court will no longer use a specific county service, the court shall, within 10 days of receiving or giving such notice, provide a copy of this notice to the Administrative Office of the Courts.

Rule 6.707. Trial court financial policies and procedures

- (a) **[AOC adoption of financial policies and procedures]** The Administrative Office of the Courts must prepare and adopt a financial policies and procedures manual for the trial courts (the “*Trial Court Financial Policies and Procedures Manual*”), consistent with the rules of court and policies adopted by the Judicial Council. The manual must include, but is not limited to, accounting standards for trial courts and policies and procedures for procurement and contracting by trial courts. These policies and procedures must not modify trial courts’ existing authority to procure, contract for, or use goods or services or the requirement that a court have authorized funding available in order to procure or contract for any good or service.
- (b) **[Comment period for financial policies and procedures]** Before issuing or amending the *Trial Court Financial Policies and Procedures Manual*, the Administrative Office of the Courts must make it available for comment from the trial courts and from the Department of Finance and the State Controller’s Office for 30 days.
- (c) **[Date of adherence to financial policies and procedures]** Trial courts must adhere to the requirements contained in the *Trial Court Financial Policies and Procedures Manual*, except as otherwise provided in the manual, effective July 1, 2001, or 90 days after the manual is first adopted, whichever is later. Trial courts must not be required to adhere to any amendment to the manual sooner than 60 days after the amendment is adopted.

Rule 6.707 adopted effective January 1, 2001.

Drafter's Notes

2001—To assist courts in developing financial procedures and policies, and to create more uniform standards statewide, rule 6.707 requires the Administrative Offices of the Courts to adopt the *Trial Court Financial Policies and Procedures Manual*. The rule requires that trial courts have the opportunity to comment on the draft manual and any proposed changes to it.

Courts will not be required to comply with the manual until July 1, 2001, or 90 days after it is issued, whichever is later, and courts will not be required to comply with any amendment to the manual sooner than 60 days after the amendment is adopted.

Rule 6.709. Disposal of surplus court personal property

- (a) **[Disposal of surplus property]** Except as provided in subdivision (b), a trial court may:
- (1) Sell, at fair market value, any personal property of the court that is no longer needed for court use;
 - (2) Trade or exchange any surplus personal property of the court, according to such terms and conditions as are agreed upon, for personal property of another court, the state, a county, a city, a federal agency, a community redevelopment agency, a housing authority, a community development commission, a surplus property authority, a school district, or any irrigation, flood control, county board of education, or other special district, if the property to be acquired by the court is needed for court use;
 - (3) Donate, sell at less than fair market value, or otherwise transfer to another court, the state, a county, a city, a federal agency, a community redevelopment agency, a housing authority, a community development commission, a surplus property authority, a school district, or any irrigation, flood control, county board of education, or other special district, according to such terms and conditions as are agreed upon, any personal property of the court that is no longer needed for court use; and
 - (4) Dispose of any personal property of the court that is no longer needed for court use, and that has negligible or no economic value, in any manner the court deems appropriate.
- (b) **[Exception for disposal of technology equipment acquired on or after July 1, 2000]** A trial court that wishes to dispose of surplus technology equipment to which the court acquired title on or after July 1, 2000 must provide a written description of such technology equipment to the Administrative Director of the Courts. If, within 60 days of receipt of the description, the Administrative Director determines that another court of record of the State of California is in need of the surplus technology equipment, the court holding title to the equipment must donate it to the court determined to be in need. If the Administrative Director determines that no other court needs the equipment or makes no determination within 60 days of receiving the written description of

it, the court holding title to the equipment may dispose of it as provided in subdivisions (a), (c), and (d). The Administrative Director must provide to the courts a definition of the term “technology equipment” as used in this rule and must provide 30 days’ notice of any amendment to the definition.

(c) **[Notice of disposal]** Unless the property to be transferred under this rule is valued at \$500 or less or the entity to which the property is to be transferred is another court of record of the State of California, the transferring trial court must, at least one week prior to the transfer, place a notice of its intended action:

(1) In three public places; or

(2) On the court’s Internet Web site; or

(3) In a newspaper of general circulation published in the county.

(d) **[Proceeds of disposal]** Any proceeds of a sale or other transfer under this rule must be deposited in the trial court operations fund.

Rule 6.709 adopted effective January 1, 2001.

Drafter’s Notes

2001—To assist courts in developing financial procedures and policies, and to create more uniform standards statewide, rule 6.707 requires the Administrative Offices of the Courts to adopt the *Trial Court Financial Policies and Procedures Manual*. The rule requires that trial courts have the opportunity to comment on the draft manual and any proposed changes to it. Courts will not be required to comply with the manual until July 1, 2001, or 90 days after it is issued, whichever is later, and courts will not be required to comply with any amendment to the manual sooner than 60 days after the amendment is adopted.

CHAPTER 4. Trial Court Information Resources

Title Six, Judicial Administration Rules—Division IV, Trial Court Administration—Chapter 4, Trial Court Information Resources adopted effective January 1, 2001.

PART I. Automation

Title Six, Judicial Administration Rules—Division IV, Trial Court Administration—Chapter 4, Trial Court Information Resources—Part I, Automation adopted effective January 1, 2001.

Rule 6.751. Court indexes—automated maintenance

Rule 6.751. Court indexes—automated maintenance

- (a) **[Authorized media]** The clerk of each trial court may create, maintain, update and make accessible the indexes required by law by photographic, microphotographic, photocopy, mechanical, magnetic or electronic means. The clerk shall make provision for preserving the information on a medium that will insure its permanence and protect it from loss or damage arising from electronic failure or mechanical defect.

(Subd (a) relettered and amended effective January 1, 2001; adopted as unlettered subdivision.)

- (b) **[Alphabetic index]** A single alphabetic index may be maintained so long as the plaintiff-defendant distinction is retained.

(Subd (b) adopted effective January 1, 2001.)

- (c) **[Public access]** The indexes maintained under automated procedures shall be accessible for public examination and use.

(Subd (c) relettered and amended effective January 1, 2001; adopted as part of unlettered subdivision.)

Rule 6.751 amended and renumbered effective January 1, 2001; previous rule 999 renumbered effective July 1, 1993; adopted as rule 1010 effective January 1, 1975.

Drafter's Notes

2001—Rules 6.751, 6.755, and 6.756 (Superior Court Records Preservation and Sampling Program). The amended rules account for the elimination of the municipal courts in most counties and make clear that the sampling program applies to the same records in a unified court that it applied to in the superior court before unification. The rules (formerly numbered 243.5, 243.6, 982.8, 982.8A, and 999) are renumbered and moved to Title Six, which includes the rules governing court administration. Forms 982.8A, 982.8(1), and 982.8(2) have been revised to reflect the renumbering of the rules.

PART 2. Records Management

Title Six, Judicial Administration Rules—Division IV, Trial Court Administration—Chapter 4, Trial Court Information Resources—Part 2, Records Management adopted effective January 1, 2001.

Rule 6.755. Superior court records sampling program

Rule 6.756. Notice of superior court records destruction

Rule 6.755. Superior court records sampling program

- (a) **[Purpose]** The purpose of this rule is to establish a program to preserve in perpetuity for study by historians and other researchers all superior court records filed before 1911 and a sample of superior court records filed after January 1, 1911, to document the progress and development of the judicial system, and to preserve evidence of significant events and social trends.

This rule is not intended to restrict a court from preserving more records than the minimum required.

- (b) **[Scope]** “Records” of the superior court, as used in this rule, does not include records of limited civil, small claims, misdemeanor, or infraction cases.

(Subd (b) adopted effective January 1, 2001.)

- (c) **[Comprehensive records]** Each superior court shall preserve forever comprehensive court records as follows:

- (1) All records filed before 1911;
- (2) If practicable, all records filed from 1911 through 1949;
- (3) All case indexes;
- (4) All judgment books if the court maintains judgment records separate from the case files;
- (5) All minute books if the court maintains minutes separate from the case files; and
- (6) All registers of action if the court maintains them.

(Subd (c) relettered and amended effective January 1, 2001; adopted as subd (b) effective July 1, 1992.)

- (d) **[Sample records]** If a superior court destroys court records without preserving them in a medium described in subdivision (h), the court shall preserve forever

a sample of each year's court records as provided by this rule of all cases, including sealed, expunged, and other confidential records to the extent permitted by law.

(Subd (d) relettered effective January 1, 2001; adopted as subd (c) effective July 1, 1992.)

(e) **[Court record defined]** The "court record" under this rule consists of the following:

- (1) All papers and documents in the case folder; but if no case folder is created by the court, all papers and documents that would have been in the case folder if one had been created; and
- (2) The case folder, unless all information on the case folder is in papers and documents preserved in a medium described in subdivision (h); and
- (3) If available, corresponding depositions, paper exhibits, daily transcripts, and tapes of electronically recorded proceedings.

(Subd (e) relettered and amended effective January 1, 2001; adopted as subd (d) effective July 1, 1992.)

(f) **[Sampling technique]** Three courts assigned in rotation by the Judicial Council shall preserve 100 percent of their court records for a calendar year ("longitudinal sample"). All other courts shall preserve a systematic sample of 10 percent or more of each year's court records and a 2 percent subjective sample of the court records scheduled to be destroyed as follows:

- (1) The "systematic sample" shall be selected as follows after grouping all cases scheduled to be destroyed by filing year:
 - (i) If the cases scheduled to be destroyed for a filing year number more than 1,000 cases, the sample shall consist of all cases in which the last digit of the case number (0-9) coincides with the last digit of the year in which the case was filed.
 - (ii) If the cases scheduled to be destroyed for a filing year number from 100 to 1,000, the sample shall consist of cases selected by (1) dividing the number of cases filed by 100, rounding fractions down to the next lower number, and (2) counting the cases and preserving each case with a position number in the files or other record that corresponds with the number

computed (for example, 670 cases \div 100 = 6.7; select every sixth case).

- (iii) If fewer than 100 cases of a filing year are scheduled to be destroyed, all of the cases shall be preserved.
 - (iv) If the records to be destroyed are old, unnumbered cases, the sample shall consist of cases identified by counting the cases (0-9) and preserving each case with a position number in the file or other record that corresponds with the number determined under subdivision (i) or (ii) above, unless fewer than 100 cases are to be destroyed.
- (2) The “subjective sample” shall consist of at least 2 percent of all cases scheduled to be destroyed, but not fewer than the court records of 20 cases, and shall include
- (i) all cases accepted for review by the California Supreme Court,
 - (ii) “fat files” or the thickest perceived case files, and
 - (iii) cases deemed by the court to be of local, national, or international significance.

These cases shall be identified by stamp or mark to distinguish them from the systematic sample. The Judicial Council will provide each court with a list of cases accepted for review by the California Supreme Court each year.

(Subd (f) relettered and amended effective January 1, 2001; adopted as subd (e) effective July 1, 1992.)

(Subd (f) repealed effective January 1, 2001.)

- (g) **[Augmented sample]** The Judicial Council may designate a consultant to review, under the guidance of a qualified historian or archivist, court records scheduled for destruction and determine if the court’s systematic sample should be augmented to improve representation of the variety of cases filed. The court should give the consultant 60 days’ notice of intent to destroy any court records that it does not plan to retain for the sample. The consultant’s role shall be advisory to the court. If the consultant determines that the systematic sample does not represent the variety of cases filed in a sample year, the court should select a random sample of cases to augment the systematic sample. Final

selection of the court records to augment the sample shall be determined by the clerk of the superior court.

- (h) **[Preservation medium]** Comprehensive court records under subdivision (c) filed before 1911 shall be preserved in their original paper form unless the paper is not available.

If practicable, courts should preserve paper records filed after January 1, 1911, because they are preferred by historians and researchers. Courts may, however, reproduce the paper records on microfilm or other electronic or micrographic media, if the records are reproduced and maintained in accordance with archival standards recommended by the American National Standards Institute or the Association for Information and Image Management and the condition of the paper records permits reproduction without damage to the originals.

[NOTE: Optical disk storage is not recognized as an archival medium, although it may become so with advances in the technology.]

(Subd (h) amended effective January 1, 2001.)

- (i) **[Storage]** Until statewide or regional archival facilities are established, each court shall be responsible for maintaining its comprehensive and sample court records in a secure and safe environment consistent with the archival significance of the records. The court may deposit the court records in a suitable California archival facility such as a university, college, library, historical society, museum, archive, or research institution whether publicly supported or privately endowed. The court shall ensure that the records shall be kept and preserved according to commonly recognized archival principles and practices of preservation.

- (j) **[Access]** The court shall ensure the following:

- (1) The comprehensive and sample court records shall be made reasonably available to all members of the public.
- (2) Sealed and confidential records shall be made available only as provided by law.
- (3) If the records are preserved in a medium other than paper, equipment shall be provided to permit public viewing of the records.
- (4) Reasonable provision shall be made for duplicating the records at cost.

- (k) **[Choosing an archival facility]** If a local archival facility is maintaining the court records, the court may continue to use that facility's services if it meets the storage and access requirements under subdivisions (i) and (j).

If the court solicits archival facilities interested in maintaining the comprehensive and sample court records, the court shall follow the procedures specified under rule 6.756, except that the comprehensive and sample court records shall not be destroyed.

Courts may enter into an agreement for long-term deposit of records subject to the storage and access provisions of this rule.

(Subd (k) amended effective January 1, 2001; previously amended effective January 1, 1994.)

- (l) **[Reporting requirement]** Each superior court shall provide semiannually to the Judicial Council a report on Form 982.8A, *Report to the Judicial Council: Superior Court Records Destroyed, Preserved, and Transferred*, including the following:

- (1) a list by year of filing of the court records destroyed,
- (2) a list by year of filing and location of the court records of the comprehensive and sample court records preserved, and
- (3) a list by year of filing and location of the court records transferred to entities under rule 6.756.

(Subd (l) amended effective January 1, 2001; previously amended effective January 1, 1994, and January 1, 1995.)

Rule 6.755 amended and renumbered effective January 1, 2001; adopted as rule 243.5 effective July 1, 1992; previously amended effective January 1, 1994, and January 1, 1995.

Drafter's Notes

1992—Rule 243.5 was adopted to prescribe a superior court records sampling program as required by Government Code section 69503(e). The records program is designed to preserve in perpetuity a scientific sample of court records for study by historians and researchers to document the progress and development of the judicial system. In adopting the rule, the council balanced the practical needs of the courts to dispose of records with the needs of researchers to preserve evidence of social trends for future study.

1994—New procedures are adopted for giving notice of destruction of superior court files at the end of the statutory retention period, and for transferring the records to organizations wishing to preserve them.

1995—On the recommendation of the Court Records Management Ad Hoc Advisory Committee, the council amended rule 243.5(*l*) and adopted rule 982.8A to require use of a new form titled “Report to the Judicial Council: Superior Court Records Destroyed, Preserved, and Transferred,” to implement the reporting requirements concerning superior court records disposition.

2001—See note following rule 6.751.

Rule 6.756. Notice of superior court records destruction

- (a) **[Notice]** The superior court shall give 30 days’ written notice of its intent to destroy court records open to public inspection. “Records” of the superior court, as used in this rule, does not include records of limited civil, small claims, misdemeanor, or infraction cases. Written notice of the proposed destruction shall be given to entities maintained on a master list by the Judicial Council and to any other entities that have informed the court directly that they wish to be notified.

(Subd (a) amended effective July 1, 2001; previously amended effective January 1, 2001.)

- (b) **[Transfer to requesting entity]** The records scheduled for destruction shall be permanently transferred to the entity requesting possession of the records upon written order of the presiding judge unless the request is denied for good cause shown. The cost of transferring the records shall be paid by the requesting party.

(Subd (b) amended effective January 1, 2001.)

- (c) **[Request by two or more entities]** If two or more entities request the same records, the presiding judge shall order the transfer of those records to the entity that shows the greatest capability of caring for and preserving the records according to commonly recognized archival principles and practices of preservation and access, and that provides the greatest likelihood of making them available for historical or research purposes.

(Subd (c) amended effective January 1, 2001.)

- (d) **[Public access]** No entity shall receive the records unless the entity agrees to make the records reasonably available to all members of the public. Provision shall be made for duplicating the records at cost.

(Subd (d) amended effective January 1, 2001.)

- (e) **[Destruction]** If after 30 days no request for transfer has been received, the clerk may destroy the records not designated for the historical and research program under rule 6.755, pursuant to a written order of the presiding judge of the court and in accordance with provisions set forth in the Government Code.

(Subd (e) amended effective January 1, 2001.)

- (f) **[Extension of time]** The time for retention of any of the court records specified in the notice shall be extended by order of the court on its own motion, or on application of any interested member of the public for good cause shown and on such terms as are just. No fee shall be charged for making the application.

(Subd (f) amended effective January 1, 2001.)

- (g) **[Forms]** The court shall use the following forms to implement the requirements of this rule:

- (1) Form 982.8(1), Notice of Intent to Destroy Superior Court Records; Offer to Transfer Possession, with a form on the reverse, titled Request for Transfer or Extension of Retention of Superior Court Records, for optional use by the recipient of the notice;
- (2) Form 982.8(2), Notice of Hearing on Request for Transfer or Extension of Time for Retention of Superior Court Records; Court Order, Release and Receipt of Superior Court Records.

(Subd (g) adopted effective January 1, 2001.)

Rule 6.756 amended effective July 1, 2001; adopted as rule 243.6 effective January 1, 1994; previously amended and renumbered effective January 1, 2001.

Drafter's Notes

1994—New procedures are adopted for giving notice of destruction of superior court files at the end of the statutory retention period, and for transferring the records to organizations wishing to preserve them.

January 2001—See note following rule 6.751.

July 2001—A definition of “records” is added to clarify the scope of the rule and to make it parallel to rule 6.755 (Superior court records sampling program).

CHAPTER 5. Trial Court Management of Claims and Litigation

Title Six, Judicial Administration Rules—Division IV, Trial Court Administration—
Chapter 5, Trial Court Management of Claims and Litigation adopted effective January 1,
2001.

Rule 6.800. [Renumbered 2003]

Rule 6.800. [Renumbered 2003]

Rule 6.800 renumbered rule 6.202 effective January 1, 2003; adopted effective January 1, 2001.